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AUSTRIA.

BY

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AUSTRIA.

CHAPTER I.

PRINCIPLE OF THE GOVERNMENT—Divisions of the Empire—Population, according to Numbers and Classes—Nature and Privileges of Nobility—Feudality—Its extent previous to 1773, and since—Urbarium—its establishment, provisions, and political effects.

THE principle of government in its various forms—that principle which constitutes the basis of its laws, and which can alone sustain the efficiency and permanence of its institutions, is stated by Montesquieu to be in Republics *virtue*—in Despotisms *fear*—in Monarchies *honour*. But this eminent writer's idea of despotism was framed on those Asiatic autocracies wherein the hereditary privilege of nobility is unknown; and in treating of monarchies, he had mainly in view those of France and other kindred nations, wherein that privilege was excessive. In viewing the monarchy of Austria, we find a principle distinct alike from fear and from honour. It may be more justly characterised as paternal,* [illegible]

* I rather regret to use a term which, as applied to the Austrian government, has of late been somewhat hackneyed and

patriarchal; and were its description to be attempted in a single word, perhaps the most appropriate, although still inadequate expression, would be *reverence*. It ascribes to the sovereign, as to the common father, a power theoretically absolute and uncontrolled, but founded practically on the willing obedience of those over whom it is exerted. It regards the whole community as members of a common family; varying in station, avocations, and faculties, but all of them objects alike of the fatherly solicitude of the ruling power, to which all are bound in filial, not servile, dependence. Hence it is the aim of the government, while wielding the sceptre of nominal autocracy, to conciliate the affections rather than to excite the apprehensions; to permit no question of its supreme authority, but to make the weight of that authority so light and indulgent—so to render it in the popular belief the instrument and the safeguard of individual happiness—as to convert into a habit and a pleasure that passive obedience which it ever inculcates as a duty.

This *principle* of government, however, is in practice only of partial operation in the Austrian States. In Hungary, the nobles enjoy, under their ancient constitution, rights which are paramount to those of the crown; and in Italy, a variety of circumstances,

ridiculed; but I know of no other so appropriate, and in the course of the following pages I shall hope to exhibit the justice of its application.

one of which is the entire discrepancy of character between nations on the north and the south of the Alps, indispose the Lombardo-Venetian people, not specifically to Austrian, but to any German, rule. It is in the *German* provinces only that the paternal principle can be properly contemplated; neither there even is it absolutely without limitation. It is not in any part of Austria, as among the Bedouins of the desert, a plant of native growth, flourishing unchanged and unimpaired from the earliest ages. It is a new branch, engrafted on the stem of feudality; and although rapidly and proudly exalting its head above the rival branches, yet only in proportion as it stifles and exhausts those of earlier growth does it become gradually the lord of the forest, and, whether for good or for evil, overshadows the land.

Of the nature and practice of the Austrian monarchy, as thus developed in its German possessions, it is the object of the present work to attempt some delineation. The condition and circumstances of Hungary and of Italy will be occasionally referred to, but only with a view of elucidating points which would be otherwise imperfectly understood. The earlier notices will be of the population in the different parts of the empire; its political and religious varieties; the system of education, and the leading principles of civil and criminal law by which its character is essentially influenced; and generally its rural, social, and moral condition. From thence I shall proceed to trace the march of the government

in its several departments, and conclude with some general observations on its policy and prospects, domestic and foreign.

The dominions now subject to the Emperor of Austria may be divided into three classes:—German, Italian, and Hungarian. Of the *German* states, the most ancient possessions of the present family, as archdukes of Austria, are the provinces of Upper and Lower Austria and the duchies of Styria and Carniola; to which have been annexed, either by treaty, intermarriage, or conquest, Carinthia, Tyrol, the Istrian Littoral (being the country around Trieste), Moravia, Silesia, the kingdom of Bohemia; and, finally, the province of Gallicia, which last became Austrian on the division of Poland. To these may be added Dalmatia; as, although not really a German province, but claimed as a dependence of the Hungarian crown, it belongs more conveniently to this class of states, from the general similarity of its mode of government. The states now enumerated, which, for the sake of perspicuity, I denominate the *German* states, may vary somewhat among themselves in matters of local arrangement; but they are all governed under one code of civil and criminal law, which does not apply to the Italian and Hungarian territories; and each state or province is administered by a civil governor and council, a military commander, and other authorities, all

acting under orders from the Imperial German Ministry. The *Italian* provinces are those of Lombardy and of Venice, forming together the Lombardo-Venetian kingdom. It is governed immediately by a viceroy resident at Milan; and its relation with the *German* possessions is similar to that of Ireland with Britain. No custom-house regulations, or fiscal distinctions, intervene between them; and the viceroy, like the German governors, obeys the orders of the Imperial ministry. *Hungary*, on the other hand, is a totally distinct kingdom,—distinct, not as Ireland was from England previous to the Union, but rather as, until the demise of William IV., Hanover was distinct from the British empire, while still subjected to the rule of the same individual. She has her constitution, her legislature, her antique laws, her singular internal administration; over all of which the sovereign has no control, and little influence. The very limited rights and duties of the crown are exercised through a vice-regal council at Buda, composed wholly of Hungarians, under the presidency of the Palatine, who is likewise president of the upper house of Diet, and the constitutional intermediary between the crown and its subjects. This high functionary is, indeed, not necessarily a native Hungarian, the present one being an imperial archduke, a brother of the late emperor; but he is elected by the Diet itself, from three candidates proposed by the crown; and, his office being for life, his

constant necessary residence in Hungary, and all his officers Hungarian, he naturally acquires, in a great degree, the habits and feelings of the nation. Since the year 1520 the Hungarian king has, from the conjunction of crowns, resided in Austria; but no act or order connected with Hungary passes through a German minister. A distinct chancellor and chancery are established at Vienna, for which offices Hungarians only are eligible; and this chancellor alone communicates with the sovereign in his capacity of king of Hungary. *Transylvania* forms a separate principality to the eastward of Hungary, and is much assimilated to it in the character both of its institutions and its population. It has a peculiar constitution and legislature, on which its government is based; but, from the smaller extent both of its surface and its inhabitants, the crown exercises a somewhat greater degree of influence there than is allowed to it in Hungary. Finally, along the whole southern and eastern boundaries of Hungary and Transylvania, where these states border on the Turkish dominions, or are separated therefrom only by rivers, a long narrow tract of land is detached for the purpose of defence, the organization of which is purely military. This constitutes the "*Military Frontier*." It is divided into four commands, each administered in chief by a general officer, appointed at pleasure by the crown, and who acts under orders from the war department at Vienna.

With these preliminary notices I now present certain tables respecting the amount and classification of the population.

Population of the Austrian Empire, according to the Census of 1834.

Hungary	11,404,350
Gallicia	4,395,339
Bohemia	4,001,852
Lombardy	2,495,929
Moravia and Silesia	2,110,141
Venetian Provinces	2,079,588
Transylvania	1,963,435
Austria, Lower	1,343,652
Military Frontier	1,101,281
Styria	923,882
Austria, Upper	846,982
Tyrol	827,635
Carinthia and Carniola	743,217
Littoral	445,317
Dalmatia	364,933
	35,047,533

Of the above, the military class, consisting of officers and soldiers on service, or on half-pay or retreat, their wives, families, and servants, amounts to 518,950, leaving of civil population 34,528,583.

The Marriages in 1834 were	[illegible]
Births	1,340,[illegible]
Deaths	1,028,742
Increase	311,612

These last numbers show an increase in the year of $1\frac{1}{8}$ per cent on the whole population; which, as far as we can depend on the next table, would be rather less than the average of increase during the eight years from 1819 to 1827. The fact is, and I make the observation here once for all, that every calculation which includes Hungary and Transylvania is liable to considerable uncertainty, the organization of these countries being too imperfect to admit of that extreme accuracy of return, which is derived on every subject from the rest of the empire.

Table exhibiting the average Annual Increase of Population in the Austrian States, taken during the Nine Years from 1819 *to* 1827, *inclusive.*

	Total Annual Increase.	Annual Increase per Cent.	Number of Years to double the Population.
Military Frontier . .	16,963	1·726	40½
Gallicia	69,118	1·687	41½
Littoral	6,538	1·680	42
Bohemia	51,215	1·451	48
Dalmatia	4,580	1·447	48
Moravia and Silesia .	26,775	1·422	49
Transylvania . . .	23,367	1·347	52
Carniola and Carinthia	8,886	1·295	54
Austria, Lower . .	12,988	1·106	63
Styria	8,171	1·018	68½
Hungary	95,961	·926	75
Lombardy	18,318	·895	78
Venice	14,710	·766	91
Austria, Upper . .	5,352	·668	104
Tyrol	4,589	·609	114
Whole Austrian Empire	377,511	1·193	51½

From this table it would appear that the increase of population depends rather on the stock of nationality than on local circumstances. Those of the Sclavonian race are the most increasing. Such are the six first in the preceding list. Sclavonians also form more than two-fifths of the inhabitants of Hungary; but their prolificness is counterbalanced by the singular sterility of the Magyars, who form the bulk of the residue; and besides, they occupy mainly the mountain regions, where, *cæteris paribus*, population does not so much increase as in the plains. Next to the Sclavonians stand the Germans; as is seen in Carinthia, Lower Austria, Styria, and we may add Transylvania, in which last the Germans are by far the most increasing portion of the people. The exceptions hereto are observed in Upper Austria and Tyrol, in both of which the mountainous character of the country inhabited may tend to check increase; and it is to be noticed, moreover, that in the Salzburg district, the least prolific portion of Upper Austria, as also in Tyrol, there is much admixture of blood derived from other races. The Magyars, or proper Hungarians, allied by their Asiatic origin to the Turks and Persians, are the least increasing of all the subjects of the emperor.

The census annually taken has various objects in view. One of these is to ascertain the religious profession of each individual; a point of great importance, inasmuch as the law not only requires every person to belong to some religious congrega-

tion, but also, in matters of marriage, divorce, and certain other particulars, contains different enactments applicable to professors of different creeds. Another, perhaps still more important object, is the formation of a register for military conscription; all individuals of proper age being subject to the chance of military service, with the exception of those who, on the score of birth, profession, or station are specifically excused therefrom. The number of the persons thus exempted, as well as the ground of the exemption, is therefore ascertained; and hence the official returns compiled for the government contain a specification of the inhabitants of the empire, according both to religious belief and to social station.

The number of civilian subjects being given as above, at 34,528,583, the first inquiry to be made regards their relative proportions in matter of religious distinction. In a future chapter, devoted especially to those subjects, I shall explain the nature of the church government adopted in the empire, and the condition of its various classes of religious professors; but at the present moment, when a mere statement of numbers is to be given, it is only requisite to explain the terms which those numbers express. All denominations of religious creed are tolerated in the empire; and (with certain exceptions as to Hungary, and to territories which have been Hungarian) all may be publicly exercised, provided a sufficiently numerous congregation exist for the formation of a regular consistory or governing council; but what-

ever may be the peculiar differences between different sects, all are, for the purposes of official registration, classified under the following principal heads :— 1st. *Roman Catholics*. 2nd. *Greek United*, namely, congregations which hold the communion of Rome and acknowledge the Pope as their spiritual head, but in which the mass and services of religion are celebrated in the Greek language. 3rd. *Greek not United*, namely, members of the proper Greek church as it is professed in the East, in the kingdom of Greece, and in Russia. 4th. *Lutheran Protestants*, who hold the confession of Augsburg. 5th. *Calvinistic Protestants*, who hold the confession of Geneva. 6th. *Unitarians*, who, as a separate body, exist almost exclusively in Transylvania. 7th. *Jews*. The respective numbers of these may be seen in the following official enumeration :—

Population according to Religions (exclusive of the Military Class). 1834.

Roman Catholics . . .	24,431,440
Greek United . . .	3,375,840
Greeks not United . .	2,722,083
Lutheran Protestants . .	1,189,817
Calvinistic Protestants . .	2,150,721
Unitarians	45,399
Jews	613,283
	34,528,583

Of this return, however, notwithstanding its official character, I have good reason to doubt the accuracy. The population of Hungary and Transylvania, amounting together to more than thirteen millions, forms too large a portion of the general mass to justify entire confidence in the figures. The parochial and other registers in those countries are extremely irregular; and the returns, made chiefly on a presumed approximation to the truth, by the Roman Catholic clergy, exhibit the number of Protestants as considerably less than I believe it really to be. My impression is, that in Hungary and Transylvania alone there are, of the two confessions of Augsburg and Geneva, nearer four millions of members than three; and although the Protestants in the other parts of the empire are comparatively few, yet in Bohemia also they are in somewhat considerable numbers.

The next statistical enumeration to be made, is that of the individuals exempted from military conscription on the ground of birth or of social station. These stand in the official tables for 1834 as follows:—

Nobles, male, and including about 5600 who are in holy orders	385,104
Clergy of all denominations who are *not* noble	63,473
Beampte and Honoratiores . . .	96,593
Foreigners	27,862
	573,032

With a view to the proper understanding of the

above enumeration, a brief explanation may be requisite, especially as some of the terms are little known beyond the Austrian dominions.

In Austria, as in every part of Germany, the nobles form a distinct order in the state, with more or less of pre-eminence and prerogative according to the greater or less conservation of feudal privilege. In Hungary, for instance, nobles alone can be proprietors of land, and hold offices in the public administration; but this is not the case in the German or Italian provinces of the empire; and as, under the Austrian sceptre generally, all stations in the army, the church, and (with the exception of Hungary) in the civil government, are open alike to all, the peculiar prerogatives of nobility consist in little more than some legal distinctions of form in the commencement of actions at law, and the admissibility, without official character, to the court of the sovereign; together with exemption in the German, but not in the Italian provinces, from military conscription, and from certain disagreeable but necessary offices in municipal and districtual administrations. Among the nobles themselves are several gradations—that of the princes, or *Furstenstand*; the counts, or *Grafenstand*; the barons, or *Freyherrstand* (which three are comprehended for certain purposes under the general term of *Herrenstand*); and, finally, the *Ritterstand*, which includes the great body of untitled nobles, who, as qualified to bear arms, answer to the English

denomination of "gentlemen" in its former strict and appropriate sense. The union of all these, the *Herrenstand* with the *Ritterstand*, constitute the *Edelstand*, or "nobility;" but no one of the separate grades thereof enjoys any privilege over the others, save in points of personal dignity and etiquette, and the capability of holding certain high nominal offices of ceremony about the person of the emperor.* The sovereign raises at his pleasure plebeians to the rank of nobles; and among the more recent elevations are included many of the wealthier bankers, merchants, and manufacturers, and some also of the Hebrew religion; while, on the other hand, as nobility, whether titled or untitled, goes forward to all descendants alike, it happens that many nobles are reduced to poverty, and are found to fill very humble stations.†

* It often occurs, particularly in the northern provinces, that the lord of a large domain has great judicial functions; but these are rights of manorial possession, not of noble rank. They cannot be exercised arbitrarily or capriciously, and may be compared to the powers vested, until three or four years ago, in the bishop of Durham, by whose officers, and in whose name alone, criminal and civil justice was administered and executed, through the extent of the diocese.

† One of the inns in a place where we made some stay was kept until lately by a baron, whose daughters officiated as chambermaids. Yet they had all the prerogatives and pretensions of nobility. They could only be sued in action before the tribunals as *nobles*, and the young baronesses declined offers of *marriage* from respectable non-noble tradesmen, with whom, however, they

The other privileged or favoured classes are the clergy of all denominations, and the *Beampte* and *Honoratiores*. The legal definition of these terms is this: the *Beampte* are those who hold office equal at least to the rank of burghers, under the government, the municipalities, or the manorial jurisdictions. The *Honoratiores* are, in strictness, graduates in one of the three faculties of law, medicine, and philosophy. In point of fact, however, the term is loosely and largely applied, to comprehend all persons of liberal education and pursuits; and thus artists, schoolmasters, and persons living without profession on their private income, are frequently included by the parochial registrars in the list of *Honoratiores*.

The numbers and classes of the population being thus set forth, the next considerations are those which regard their general condition, and the character of the government by which they are ruled. In attempting an imperfect delineation of these difficult subjects, it will be my endeavour fairly to express the results of my own observations and impressions; and I shall rejoice should I have in any respect the means of throwing a true light on some points, wherein, as it appears to me, error has prevailed. The idea usually enter-

were charged by the scandal of the place with having lived on the most amicable terms, so long as they were not reduced to the indignity of a *mésalliance*.

tained of the Austrian rule has been that of simple monarchy; and as far as simple monarchy consists in the union of the legislature with the executive authority in the person of the sovereign, the idea is, theoretically at least, not erroneous: but the principles on which that rule has been wielded for more than a century, the checks by which it is practically restrained, and the machinery of its benign and gentle operation on those who are its subjects, are points which may not have been so correctly understood. It has been sometimes asserted, that an arbitrary government has allied itself with an intolerant church, for the purpose of keeping down the springs of national improvement; of nullifying the effects of education; and even of encouraging personal immorality, for the purpose of perpetuating the abjectness of servility. Much has been said of a secret police, controlling public action, and invading domestic privacy; of an oppressive revenue, exacted by military force from an impoverished population; and, finally, of the exclusion of all the literature of foreign countries which might be the means of disseminating information and improvement. These charges, and such as these, the candid observer will find to be always greatly exaggerated, and, for the most part, absolutely unfounded. In no country of Europe has national improvement in its most important branches gone on more steadily and decidedly during the last twenty years, than in the Austrian German Possessions; and where there is a

general and elastic tendency to amelioration; where agriculture, manufactures, and national wealth advance; where the bulk of the people are contented and enjoying, thriving almost universally in worldly prosperity, save in localities which defy the labours of man; where education is held forth gratuitously to all; where the milder and gentler qualities of character abound; the poorer classes are honest and sober, and crimes of malignity and bloodshed are rarely heard of; where, finally, the Princes of the reigning family are regarded with a degree of personal affection unseen elsewhere in Europe; it seems difficult to suppose that the government is very defective in the discharge of its duties, or ill calculated for the well-being of the people. It is true that the government has brought on itself much misrepresentation by its great, and in some respects, very unprofitable aversion to publicity. Having considerable internal difficulties to encounter in its march of general improvement, arising partly from aristocratical opposition, partly from financial disorder, its great desire has been tranquillity; and it has been rather content to bear in silence the misrepresentations of error abroad, than to provoke discussion by publishing refutations. But even this charge of aversion to publicity is true only with great qualifications. In statistical matters, and in other details of internal administration, save only such as relate to the army and the finances, abundant information exists in excellent local and general publications; and the time is fast approaching when the state of the fi-

nances also will be published by authority. This is, perhaps, wisely delayed until the system shall have been more ameliorated; and many of those abuses and vices of practice removed, which are derived from an antique organization, from the pressure of wars deemed necessary for the preservation of the national independence; or, finally, from an injudicious legislation. Austria has committed great errors, commercial and financial—of which I believe her rulers to be now fully aware; but they seek to apply the remedies cautiously though effectually, and without incurring the danger of violent or rapid alteration.

In tracing the march of Austrian internal policy, we observe, as the first great obstacles to national improvement which the government have had to overcome, the feudal institutions established, until a comparatively recent period, in all their iron rigour in Hungary and Bohemia, and with more or less force in every German province. It was vain to attempt to better the condition of the people, while one law existed for them, and another for the nobles—while the peasants bore all the taxation of the state, and were bound to work indefinitely for their superiors. In all the southern German provinces this system of arbitrary oppression gradually yielded to the power of the crown; but in Hungary, Bohemia, and Moravia, (to which may be added Gallicia, although then a province of Poland,) it continued unbroken until the year 1773. About that year a general rising of the peasants against the lords took place in Bohemia and Moravia,

and a partial one in Hungary. The crown may have viewed these movements with complacency. At all events they were put down with mildness and mercy: and the sovereign seized with eagerness the opportunity of introducing by ordinances in 1776, and subsequent years, that Urbarium,* or Rural Code, which, for the first time, conferred fixed rights upon the people. Previous to that most important measure, the cultivators or peasants, in those principal members of the monarchy, were quite at the mercy of the lords. The number of *robots*, or days of forced labour to be done on the lord's lands, depended on the mere will of himself or of his agents, the Sabbath being the only day of legal exemption from compulsory work. The other dues and services were all equally unlimited in fact, if not in appearance; for, even if they were, as in some respects was the case, defined by compact or usage, complaints of infringement could only be heard in the court of the Herrschaft or Manor, where the lord himself or his paid fiscal was the sole expounder and executioner of the law. The cultivators could not even remove from their residences, save with the lord's permission; and thus were absolutely *adscripti glebæ*. It was in vain that this oppressed people stretched their hands towards the crown for protection. Its power was too feeble to compete with the autocracy of feudal domination. Several times, especially

* Urbarium, urbarialis—Latinizations from the German word *urbar*, cultivable.

in 1772, the sovereign strenuously urged on the Bohemian and Hungarian lords the expediency of limiting and defining the *robots*, services, and dues, so as to leave to the peasant some portion of time for the cultivation of his own plot of land. But these endeavours were fruitless, until at length the terror occasioned by the peasant insurrections afforded to the crown the opportunity of acting vigorously on its own sense of right. The enactments of the Urbarium vary in smaller details, as applied to different localities; the endeavour having been to adapt it, as far as possible, to existing circumstances. Its general principles, however, are alike for all. It fixes the property, the rights, and the services of the peasant. The *robots* are defined, with certain modifications, according to the extent of the peasant's holding. The maximum yielded by any one,* in Bohemia and Moravia, is the labour of one man for three days in the week, which days must be defined as regards each peasant, so that no one can be called on to attend but upon the proper days; and the service of one day with horses or cattle is equivalent to two days without. The peasant yielding these and his other services, all of which are defined, is confirmed by the Urbarium (improved and extended by the subsequent edicts) in the hereditary

* These peasants must be understood rather in the sense of our earlier copyholders, many of them holding considerable land, and working it by domestic and hired labour. The nature of these holdings will be presently explained.

possession of his own land, and in the right of free disposal thereof, and removal therefrom; and various precautions are taken to protect him from the oppression and caprice of the lords. The measure itself was, of course, unpalatable to the nobles; but dread of further evil from the peasants induced them to yield it a reluctant acquiescence; and, from that time forward to the present, a series of additional improvements has been gradually and quietly introduced, all tending to raise the condition of the towns and peasants, and to lower that of their superiors. It is natural that this levelling system should be disliked by those who conceive themselves the sufferers by it, and especially that the nobles should complain of imposts which now fall mainly on themselves. On the feudal principle, which still prevails in Hungary, the nobles are subject to no direct taxation on their lands, moveables, or persons; while in Bohemia, and the other *German* provinces, such has been the effect of subjecting all to an equality of imposts, that, although the average taxation of the empire is only equal to 7*s*. 6*d*. per head, the government draws in direct taxes from the pocket of Prince Liechtenstein alone, in regard of his domains and possessions, more than 15,000*l*. sterling per annum. The policy of the government is directed constantly, though cautiously, against this body of arbitrary, though high-minded and generous nobles; and it is no matter of surprise that by them its march should be represented as unpopular. Far different, however, is the feeling with the middling

and lower classes. These now cling to the crown as to their best protector and ally; they are attached to it from interest and from feeling; and so will they continue to be, until, exalted by its means high above the ruins of feudality, their accumulated prosperity, intelligence, and freedom, shall enable them to direct in their turn against the crown itself those augmented powers, which now in their infancy they would level only against their provincial superiors.

CHAPTER II.

LAWS OF PROPERTY—Their effect on the formation of Social Character—General Principles—Rules of Inheritance—Of Legitimate, Legitimated, Adopted, and Illegitimate Children—Pflichttheil, or portion of necessary Succession—Power of Testamentary Bequest, and of Disinheritance—Harmony of the Rules of Inheritance with the Principle of the Government—Entails—Their different kinds and restrictions.

THE maxims which prevail in a nation in respect to the tenure and descent of property are among the most influential of those which operate on the social system. The restrictions of inheritance by primogeniture, or the free division of property among heirs—the power of a father to withhold, at his own will, the succession from his offspring, or the right of that offspring thereto in defiance of paternal displeasure—the acknowledgment of faculty to inherit exclusively in children born in wedlock, or the admission to similar privilege of such as are of irregular birth: all these constitute so many active principles in the formation of moral character, which may be traced in their operation through the whole scheme and conduct of life. They are, reciprocally, effect and cause: they testify of the past, as evincing the genius

of generations now no more; and they prophesy of the future, as exhibiting a main foundation of thought and feeling in those which are to come.

Owing to the greater prevalence of family entails, the landed properties, comprising manorial lordship and private estate, are of far greater extent in the northern than the southern provinces of the empire; and a very large portion of the soil in Bohemia, Moravia, and Gallicia, is thus held on tenures, which prevent its alienation, and limit its inheritance to special individuals. These, as exceptive though prevalent cases, will be best considered after the general principles of the law have been explained; and in the mean time it will suffice to observe, that it is the settled policy of the crown gradually to break down such family entails as now exist, and to prevent their creation for the future.

Of the law, as applied in all the German provinces,* the first rule may be said to be the *equal character* of all description of property. Except as to some very minor details, which it is superfluous here to enumerate, no distinction exists between real and personal estate; lands and money, immoveables and moveables, of every description, being subject to the same maxims of tenure, transfer, and inheritance. The second rule is the *equality of right* in all subjects of the empire to hold and dispose of property, without distinction of class or religion. The Hebrew

* In Hungary, and in the Lombardo-Venetian kingdom, the rules of tenure and inheritance rest on the peculiar laws of those states respectively.

and the Christian, the peasant and the noble, have, in this respect, a parity of right. The suits and services due to the feudal superior arise from the possession or usufruct of the soil, not from the character of the cultivator; and the peasant, purchasing land, acquires all the rights and privileges which are inherent therein. Males and females, moreover, on attaining the age of twenty-four (the period of legal majority), are equally competent to inherit, possess, and alienate. The wife retains, unless under the limitations of special contract, her full right over her separate property, except that its usufruct is in the husband for their common benefit while they live together. She may or may not be the copartner of her husband in any commercial or other undertaking; and, except when specifically or inferentially pledged to that effect, her separate estate is not liable for her husband's separate debts.

A third great principle of law is that which permits all persons to dispose, by will, of one specific portion only (generally one moiety) of whatsoever they possess, restricting the inheritance of the other portion absolutely to the natural heirs in fixed proportions and degrees. To understand the bearing of these very important provisions, it will be well first to state the rules of inheritance as they apply to the effects of persons who die *intestate*. In such case all property, moveable and immoveable, descends in equal shares to all the children of the deceased, male and female, alike; and when any such child has died previous to the intestate leaving offspring, then the offspring receive among them their parents' portion. Where

children and grandchildren, or their descendants, fail, the law admits the ancestral relatives, and collaterals springing therefrom, as far as the fifth generation upwards, without allowing any distinction of sex. Thus both the parents are the equal heirs of the child dying intestate and without offspring; but where one parent only survives, that one receives the moiety, and the other moiety passes to the heirs of the deceased, namely, the brothers and sisters of the intestate. Beyond the collaterals springing from the fifth ascending generation, no right of inheritance is admitted; and the property passes, according to the local rules of each province, either to the crown direct, or to some public council or functionary authorised to receive the lapsed successions. The wife being competent to hold property independently of her husband, and her rights over that which she possessed in her single state being in no wise diminished by her marriage, except in so far as they may have been the subject of special contract, her separate property passes by descent or ascent to her separate heirs; but in all cases of intestacy, where contracts do not interfere, the surviving husband or wife has *some* interest in the estate of the deceased. Where no legal heirs appear within the limited degrees, that interest comprehends the entire inheritance. It is limited to one-fourth of it in cases where heirs ascending or collateral only exist; but where the intestate has left children or descendants, the surviving parents can claim no part of the inheritance in fee, but are entitled to a life-interest only in a portion of it,

equal to that of one of the children; this portion being further limited to a fourth only where the children are less than three.

Besides the offspring of lawful wedlock, the law confers equal rights of succession upon two other descriptions of persons, namely, *legitimated* children and *adopted* chidren—a species of indulgence which may be considered as of very dubious morality. *Legitimated* children are those which, having been born out of legal wedlock, are rendered legitimate, either by removal of any formal impediment which may have rendered the marriage in itself invalid—by the proof that one of the parties at least had been unconscious of the existence of any such impediment—or, which is by far the most frequent case, by the subsequent marriage of the parents. There is one other mode in which children may be legitimated, namely, by grant of the sovereign; but the legitimacy *thus* acquired confers right merely against the property of the immediate parents; whereas, that resulting in either of the former modes is complete as regards the succession to all ancestral and collateral relatives. The only point in which these fully legitimated children are inferior to those born in wedlock, is their incapacity to inherit property entailed on promigeniture, or otherwise specially limited. *Adopted* children may be one or several; and they may be so adopted by persons of either sex, provided they be not, by admission to holy orders or otherwise, legally devoted to celibacy. The principal modes of adoption are these: the adopting

party must be at least fifty years of age, and must be fully eighteen years older than the party adopted. If the latter be a minor, the consent of parents or guardians will suffice, subject to the ratification of such consent by the party himself on the attainment of majority; and the act of adoption having been duly enregistered, the parties stand thenceforward to each other in the full relation of parent and child. The adopted child, however, forfeits no one of his natural rights, while he acquires those of adoption. On the one hand, he retains his original name and arms, and his right of succession to the property of his ancestors; on the other, he assumes, in addition, the name of his adopting parent, and acquires, therewith, as ample a right to all inheritances devolving from the relations thereof, as if he were his lawful son. In two points only he is subject to restriction: he may not bear the arms of his adopting parent without a royal license, and he cannot succeed to property limited by entail or blood.

Next to be mentioned are the rights of *illegitimate* children, among whom are included, under certain circumstances, those born in wedlock, provided proof of spurious origin be adduced by legal proceedings, commenced within a certain short period. In all cases of illegitimacy, the question of paternity, if denied, is matter for legal inquiry; the mere declaration of the mother not being held sufficient for its establishment. Illegitimate children have equal right with those born in wedlock to the actual property

of their *mother*, but to that only. They inherit neither from the father, nor even from the mother's ancestral or collateral relatives, unless where the property has devolved in full unlimited right on the mother herself. The property of an illegitimate child, dying intestate and without descendants, passes to the mother, or to her ancestral relatives.

Such are the rules of succession bearing on intestate property of every description; and, as has been before intimated, it is only to a certain extent that these rules can be interfered with, by the faculty of a testator to dispose of his property by will. The principle of law in this respect is, that children and other *descending* heirs are absolutely entitled to *one-half*, and ascending heirs to *one-third*, of that portion which they would have respectively received in the event of the deceased having died intestate. This fixed or reserved part is termed the *pflichttheil*, or obligatory portion; and over the *surplus* only, after such pflichttheils have been duly ascertained, do the legacies of the will take effect. It is competent for any person interested to require a legally supervised administration of the estate; and every species of property, moveable and immoveable, (with the exception of lawfully-constituted entails,) having been carried into the mass, the pflichttheils must be first ascertained and provided, before any legacy can be demanded. All gifts which are to take effect after the death of the donors are regarded as legacies; and,

in order further to protect the lawful successors from the evasions of parental predilection, it is a legal maxim that no one, having offspring, may, during his life, dispose by gift of more than one-half of his effects; so that if it can be proved, that any donation did exceed in value the moiety of the property possessed at the time by the donor, the donation becomes void, and its amount must be refunded.* Enactments such as these can, indeed, be scarcely ever rendered operative in practice; and, if they could, they would probably tend to the working of gross injustice. They form a part of that multitude of legal refinements, by which the Austrian civil code, in its zeal to over-regulate, seeks to adjust all the conflicting relations of person and property, and which, if ever made the instrument of judicial process, could only lead to endless litigation; but the fact is, that they are seldom resorted to, save as the preliminaries of private compromise and arrangement. All laws, of this description, are chiefly to be regarded as the expression of *general feeling*, and, in that sense only, as the rule of individual conduct. The law of England, while limiting the inheritance of the real estate of intestates to the eldest son, has not, for the last two centuries, deprived the proprietor of

* Money advanced in the lifetime of the deceased for the portion of daughters, or the discharge of debts due by a son who has ttained his majority, is reckoned in diminution of pflichttheil, but advances otherwise made to children and others are considered as gifts, and cause no diminution in the pflichttheil.

the power to dispose of it otherwise by will; but modern feeling has been formed by the maxims of ancient law, and thus we perceive that in the descent of our landed estates the principle of primogeniture is generally observed, by those who are wholly free to act on the impulse of their own inclination.

But Austrian legislation is always true to its great principle of sustaining regularity and order, by the firm support of existing authority. While protecting the rights of children, it so qualifies those rights, as to preserve, in full efficacy, the parental power. There are certain cases in which all claim to inheritance and to legacy is, *ipso facto*, forfeited by misconduct; one of which is the proof of malicious injury done to the life, honour, or property of the deceased, unless it be shown that pardon was obtained before his death. There are other cases in which it is optional for the father, by testamentary declaration, to disinherit, and thus to deprive his child or children of pflichttheil; either on the ground of public discredit, or where a child has "renounced Christianity," or been sentenced for crime to perpetual or twenty years' imprisonment; or for what may be termed the private neglect of the moral and filial duties. Thus a child may be deprived by his father of any share in the inheritance on the ground of excessive profligacy—of having incurred excessive debts—and, finally, of his having refused succour to his parent in a state of helpless poverty. The facts on which the legality of the disinheritance depends

may indeed be rendered matter of judicial inquiry; and after the decease of a parent has made it no longer a point of policy to support his authority, the courts will incline favourably to the claimant; but still the claims of co-heirs will be heard—litigation and compromise will ensue—and thus the power of testamentary disinheritance, even where it is subsequently mitigated or reversed, becomes a very efficient means of parental control. The government, in the mean time, takes care that public pauperism be not increased by these disinheritances; as in all cases some provision for the support of life is awarded out of the estate to him who forfeits his pflichttheil; and it often occurs that the grand-children are allowed to inherit the portion of which their father may have been deprived.

These general rules of inheritance appear to harmonise well with the genius of the Austrian Government. They encourage industry and support the parental authority, by the faculty of free disposal by will, as to, at least, one moiety of the property acquired, and the power even of entire disinheritance, in cases of gross transgression; while, on the other hand, they protect the offspring from parental caprice, by the general assurance of the pflichttheil. In reference to the political effect of property in masses, they aim at the adoption of a middle course, between undue accumulation and excessive division: and were the real power of the sovereign, as to the enactment

of law, commensurate with his supposed or theoretical right, the whole property of the empire would probably be subject to these general principles of succession. The policy of the crown aims steadily in this direction. Its tendency is invariably to abate feudal limitation and privilege of every description; but safety and wisdom require that its progress, although steady, should be gradual and cautious; and hence the law recognises limitations and entails of various descriptions, the nature of which, as they extend over a large proportion of the lands of the empire, it is now requisite briefly to explain.

The first of these is the simple entail (*fidei commissarische substitution*) which it is competent for all persons to create, and which may extend over property moveable or immoveable, money, jewels, land, or any other species of hereditament. The pflicht-theils having been first set apart as sacred from all interference, the testator may limit the successive inheritance of the rest of his property to any number of persons actually alive, and onward to those of one generation not yet born. Where the property consists of moveables only, he may extend the limitation to one generation further; but with the first inheritor, in either of these unborn generations respectively, the limitation absolutely ceases, and the property becomes free.

The second species of entail, the *familien-fidei commiss*, or simply the fidei commiss, is of a much more permanent and rigorous nature. It may not

now be created without especial licence from the crown, and this licence has of late years been invariably refused; but the aristocratical principles of former times caused it then to be much adopted, and it now extends over most of the largest estates, especially in the northern provinces. The object of the fidei commiss being to sustain the family dignity, the precise rule of succession depends on the will of the founder; but of those now existing, three may be mentioned as chiefly prevailing. First, and by far the most usual, is the *primogenitur*, wherein the estate descends to the eldest male heir of the actual possessor; and, if such fail in the direct line, then to the nearest male heir in the first collateral line—secondly, the *majorat*, wherein the succession remains in the first line, or, in other words, in the descendants of the *first successor* of the founder, so long as any male be found therein; but the *oldest in years* within that line, be he brother or uncle, or more distant relative of the last possessor, inherits in preference to any junior in years, although he be the immediate son—thirdly, the *seniorat*, which grants the succession to the oldest in *years* of *any* of the descendants of the original founder, without distinction of lines, and under which, consequently, a property may pass to a very distant cousin, if he be only the oldest in years, in preference to all the intermediate relations.* In some few properties

* There are instances of this most inconvenient species of tenure in various parts of Germany, but they are comparatively rare.

females are allowed to succeed in common with males, or in preference to males of a more distant degree; but these are rare and exceptive cases. Under all the varieties of entailed succession, among which indeed the *majorat* and the *seniorat* form but a very small minority, the general principles are the same. The actual possessor has merely the life interest; and any of those following in the entail may require, through the tribunals, an account of the management; or, if requisite, the appointment of a curator, who receives the products and hands them over to the party entitled to them. The actual possessor, on the other hand, may, without consent of heirs, but under the special decree of the proper tribunal, charge the estate with debt to the extent of one-third of its legally ascertained value; with the obligation, however, of paying off annually five per cent. of the capital borrowed, besides the regular or agreed interest. Beyond this extent the estate may not be charged. The next incoming heir can only create new debt as antecedent debts have been relieved, so that two-thirds of the property always remain free; and, even in regard to the mortgaged third, the creditor has no recourse upon the land, but on its moveable produce only. With the express consent of all existing parties, who, under any contingency, might become the heirs of the entail, together with that of a legal curator, appointed to watch the interests of minors and of future descendants (the whole sanctioned by legal decree), it is competent for the possessor to exchange land for land, or even to

convert the whole or a part of it into money or moveable effects, which then follow the law of the entail. Such occurrences, however, are very rare. The requisite consent of parties and sanction of tribunals can seldom be obtained; the more especially as, in the event of the property being so converted into money, the possessor, under sanction of the court, acquires the right, in lieu of charging one-third of the land with debt, actually to take possession of one-third of the cash; with the mere legal obligation of restoring it at he rate of five per cent. per annum. Where no successors to the entail exist, or where all such agree to its extinction, and where, on legal grounds, the birth of no future heir can be presumed, it is competent for a tribunal, after many citations and other formalities, to cut off the limitations; in which case the property becomes free in the hands of the actual possessor; and, should he not dispose of it and leave no legal heir, it falls, like all other property, either to the crown or to the provincial functionaries appointed to receive all lapsed successions.

In almost every country some period is defined, at the expiration of which the undisputed possession of property is held to constitute legal right. The extreme period so fixed by the Austrian code is forty years in regard to entailed estates, and thirty years generally in regard to other immoveable property; but with this important qualification, that, where the property, with the name, &c., of the proprietor, is recorded in the public official registers of the province, an undisputed

possession for three years only is a bar to all adverse action. A special commercial code, into the details of which it is not my purpose here to enter, regulates the dealings and dependences of merchants and traders; and, in regard to moveable property, not affected by the provisions of that code, the general rule is, that actions must be brought within three years from the time when the right is asserted to ensue. To these general dispositions of the law there are many exceptions in favour of the crown, of corporations lay and clerical, and of persons absent from the country, or incapacitated by circumstances from preferring legal claims; but a specification of these, as well as the peculiar enactments which relate to mortgages and trusts, would be foreign to a work which aims rather at exhibiting general principles in their action on private character.

CHAPTER III.

Tenures of Land—*Northern* Provinces—Nature of Feudal Tenures and Services—Power and Burthens of the Lords—Protecting Policy of the Crown—Farms and Villages—General Observations—*Southern* Provinces—Abatement of Feudality—Tenants and Lessees—Charters and Government of Municipal Towns and Cities—Provision for the Poor, the Aged, and the Sick—Actual Condition of the People.

THE principles of law which regulate the possession and transmission of property having been stated in the last chapter, the present one will contain a review of the general condition of the people, including some observations on the character of the municipal communities and of the institutions for the relief of poverty and sickness.

It has been seen that an equal right to the acquirement and possession of landed estate is extended to all denominations of subjects, noble and peasant, Hebrew and Christian. Feudal superiority, as far as it now exists,* is inherent in the possession of the soil, not in the character of the possessor: but, as has been before intimated, a great proportion of the land is rendered inalienable by entails;—that which is not so

* Hungary is an exception to this rule, as well as Transylvania, and some districts which have been Hungarian.

limited, especially in the most extensive and important provinces, is still possessed in large masses;—and thus in Austria, as in most of the other European nations, the superior rights of property are held by few, and exercised over many. To reduce these rights as far as they retain their ancient feudal nature, and to withdraw the subordinate from the dominion of the lord, has been the steady policy of the government, especially during the last century. Having established in all parts imperial judicial authorities, together with councils of civil administration in each province under the name of the *Landesstelle*,* and in every district in each province under that of the *Kreisampt*, the crown has sought, by one enactment following another, each apparently involving some point only of minor importance, gradually to substitute the jurisdiction of its own functionaries for that of the manorial superiors. Its firm and persevering efforts have been exerted to raise and equalise the condition of the lower and the middling classes, without creating any dangerous alarm in the minds of the high and powerful nobles; and its more or less successful advance in this reduction of feudal privilege occasions at present much variety of tenure. The *German* provinces, which are

* The reader is requested to keep these terms in mind, as they are essential to the understanding of this and the following chapters. The *landesstelle* is the council of civil government of the province, and the *kreisampt* that of the district. Both are appointed by the crown, and act solely under its orders. Their constitution and functions will be hereafter explained.

our present subject, may in this respect be divided into two principal classes,—those to the north of the Danube, in which feudality is still essentially prevalent; and those to the south of that river, in which it has been mainly abated. The greatest feudal severity out of Hungary is in Gallicia, which, having become an Austrian possession only on the partition of Poland, still retains much of its Polish character. Nearest to that of Gallicia is the condition in this respect of Bohemia and Moravia; while the provinces of Upper and Lower Austria, of Styria, and others to the south, exhibit a much greater advance in social freedom.

For the proper understanding of the subject, it will be requisite to enter into some details as to those characteristics which apply to tenures generally, and as to those changes of condition which result from the invasions of the crown on feudal rights.

The whole of the land, generally speaking, is divided (as was the case likewise in all parts of Europe during the middle ages) into *herrschafts* or lordships, corresponding with our manors. Some portion thereof constitutes the private estate of the lord, and is termed in German and Hungarian law his allodium*. The residue is divided into holdings,

* This word has not, of course, the same signification here as it has with us; although it has indeed been held that the lands of the lords in Lower and Upper Austria and Styria are actually allodial in *our* sense; that is, that the ultimate right to them is not in the crown. In Silesia, Bohemia, and Moravia, the tenures are decidedly feudal, the king being the *ultimus hæres;*

termed, in German, *lehns*, and held by a class of persons popularly designated (in common with all the inhabitants who are neither citizens nor nobles) under the general name of *peasants*, but who, as fixed in their possessions, rights, and duties, by the Urbarium, answer more correctly to the character of our earlier copyholders, and are termed, in the law, *coloni**. These *lehns* are, according to their measurements, either a full holding (*sessio colonicalis*), a three-quarter holding, half holding, or quarter holding; and in proportion thereto, are the services due to the lord. In Hungary the whole direct contribution towards the state falls on these coloni or cultivators; but such is not the case in the other dominions of the crown. In Bohemia, (and also in Hungary,) and the other northern provinces, the holder of a full holding is generally bound to yield to his lord, for the culture of his private allodium, 104 days of one man's labour

and the same may be said of Hungary, with this qualification, that the sovereign is there constitutionally bound to re-grant to some other noble the land which lapses for want of an heir. The matter is of little practical consequence, as the crown, or certain appointed authorities, would in every case take possession, either in virtue of succession, prerogative, or police, of any land which was without a proprietor.

* I use the Latin in preference to the German terms on this point, as being better calculated to convey correct ideas. The German word *bauer*, commonly translated *peasant*, was only appropriate while the peasants or cultivators were, as such, a distinct class deprived of political right.

(or *hand-robot*) within the year; one day's work with cart and horses (*zug-robot*) being computed to be equivalent to two days' work of a man alone: and holders of smaller divisions are clubbed together, so that one full robot is taken by arrangement from among four persons, who have a quarter holding each. There are other fixed dues and duties of a less onerous kind. As a general principle, the *subject** yields to the lord one-tenth part of the gross produce of the land which he cultivates himself, as also certain tributes of live stock. He is bound for certain days to the cutting of wood for the lord, the killing of noxious animals, &c. &c. Yielding these dues and services, the cultivator holds his own land as absolutely as the lord does his allodium. Certain restrictions in Hungary, Bohemia, Moravia, and Gallicia, limit his faculty of accumulating holdings indefinitely by purchase; but in all parts he may freely sell his lands, and remove to others at pleasure, subject to the general police regulations of the empire, and to the charge of finding a successor, so that the land shall not be vacant nor the services unperformed; and he may bequeath and devise his lehn, and other property, real and personal, by will. One deviation, indeed, is made in this last respect from the general law, in compliance with that maxim of state policy, which, while it aims on the one hand at breaking through feudal entails, seeks, on the other, to prevent too great

* The term *subject* (*subditus, unterthaner*) is applied to feudal inferiors generally all over Germany.

a subdivision of inferior occupancies. No actual holding, be it a full half or quarter lehn, may be *divided*, either by sale, bequest, or inheritance: and hence, as the law of inheritances and pflichttheils is the same for the colonus as for his lord, the lehn itself is sold on the decease of a colonus leaving children, and the proceeds only divided according to the law or the will; or, which is a more usual case, the eldest son takes the land, and subjects himself to adequate pecuniary liabilities towards his co-heirs.

Next below the *colonus* in the scale of peasantry is the *inquilinus*, who holds a house only, with, perhaps, a few square poles of ground attached to it; and below him is the *sub-inquilinus*, or mere lodger, answering in position to our common labourer or farming servant; each of whom, if residing on manorial ground, yields some minute portion of labour and dues to the lord. The law fixes a sum at which all *robots* are commutable for money; but it does not enforce such commutations, leaving them to be made only when both lord and subject agree to adopt them.

Regulations, somewhat varying with the local circumstances of the different provinces, are made in the urbarium to protect the copyholder from being called on for robot on more than a certain number of days in any one week or month; to limit the number of hours of work; and generally to shield him against caprice or oppression. One of these is the regulation enacted for Bohemia and Moravia, and, if I mistake not, for Gallicia also, though not for Hungary, that

the days are absolutely fixed. One man's turn is on Monday, that of another on Tuesday, and of a third on Wednesday; and even on these days he may find legal cause of absence in time of harvest, or other period of urgent home labour, such excuse being always liable to judicial investigation. Every improvement made by the subject is his own property. As the produce of his land increases in quantity, so does of course the value of the tenth which he yields to his lord; but the robots and other services are fixed. By mutual consent all of these may be redeemed either in perpetuity or for shorter periods, in which cases the maximum of commutation for robots is determined by law; and in order to protect the cultivator from unjust or fraudulent contracts, in regard to services and tenths, a comparatively recent ordinance has enacted that no agreement in perpetuity between lord and subject may be made, without the sanction of the Imperial Kreisampt. The policy of the government greatly favours these compositions; and such are the difficulties as regards the enforcement of robots, thrown in the way of the lords, that the latter are often happy to obtain for them, in money, any commutation however low. A large Bohemian proprietor (whose recent death has deprived me of one of the most valued friends I had on earth, and who, with his brothers, counted on their estates eighteen thousand subjects) has frequently observed to me that he found it usually more advantageous to accept even a very small part of the legal commutation money, and to hire labour from others,

than to take it in kind from those who were bound to yield it. "I want work done," said he, "on a part of my properties upon a Thursday, but the robotters nearest at hand object that this is not their day of service. The Thursday workers live perhaps at a distance, far and wide apart: they are allowed by law so much time to come, and so much to return: they arrive half tired, and bring broken carts and jaded horses; and the result of the whole is, that hardly any useful work is performed. We always take money-payments where we can obtain them, and would willingly commute the whole of our robots in perpetuity; but to proposals of this nature the robotters will hardly ever consent. They compound with us for the work of weeks, or of months, possibly even of a year (usually, however, on terms lower than the law defines), but rarely for longer periods. One reason of their refusal may be the want of cash; but another more availing one is, their knowledge of the inclination of the government in their favour, and their persuasion of what must, in fact, ere long be the case, that robots will either be reduced to a formal nullity, or altogether cease."

Still in Bohemia and Moravia (and far more in Hungary) much real feudal power remains to the lord, and with it also much expensive charge upon his finances. He must have his court of justice, and his registry, in which all the lands of the *herrschaft* are recorded, with their extent, valuation, mortgages, and incumbrances; and which registry is open to

general inspection. In matters of taxation he appoints, at his own expense, the collector for the direct revenues of the crown, who, however, must be approved of by the emperor; and who collects both the *dominical steuer*, or lord's land-tax, and the *rustical steuer*, or subject's land-tax, together with all other direct taxes, and remits the whole to the imperial exchequer; he, the lord, paying the salaries and expenses of the collection, but not being responsible for defaults or arrears. In judicial matters he appoints his fiscal and other officers, who hold his courts, and have summary police jurisdiction as far as three days' imprisonment, or fifteen stripes, and who also form a tribunal of first instance for the civil suits of the feudal inferiors. In every case where the "subject" is a party, the first procedure is in the lord's court, from whence, however, it is removed by appeal to the imperial tribunals; and among the innovations of later years in favour of the people, one of high importance is the enactment, that, in all litigations between the lord and his subjects, the majority of which consist of disputes as to the amount of dues and services, and as to agreements and compositions in regard to them, the decision, whether in the lord's court or out of it, is made not by his own functionaries, but by those of the crown. Hence it arises, that points of this description are frequently settled by private agreement, much to the prejudice of the legal rights of the lord; as otherwise they go forth to the courts of the district, where the crown-fiscal or his deputy is bound

in all suits to act, on behalf of the "subject," against his feudal superior.

The *subjects*, whether copyholders, householders, or mere day-labourers, in the great feudal provinces, live little on the country lands. They are congregated into villages, the internal regulation of which is conducted on a principle of self-government, by officers of police, collection, and administration, elected from among the inhabitants, under the sanction of the lord or of the crown. If a village contain so many as 120 houses, it is competent to receive a charter from the crown, conceding the right to hold markets, with certain municipal privileges and the establishment of administrative functionaries, which reduce its dependence on the lord; and hence, as no houses can be built but by his permission, he often prevents this partial enfranchisement, by restricting the maximum number of houses to 119. Whatever be the size of the herrschaft, the establishment can little vary. The lord must have his justiciar or fiscal, his collector, registrar, and a large train of subordinate functionaries, who form his administration and live upon his allowances; and hence, large properties are comparatively more profitable than small ones, although still, from their territorial, as well as personal expenditure, the great proprietors are generally much in debt. When the lords intimate that they have not the means to support the regular expenses of the herrschaft—the holding of separate courts and registries, and the payment of fiscals, collectors, and surveyors,—the charge of

judicial and other administration is assumed by the crown officers of the district; and thus the lord, relieved from feudal burdens, loses also his feudal domination.

Connected with feudal practice in Moravia, Bohemia, &c., may be mentioned the method of military recruitment. The crown sends to the chief town of a district the precept for a certain number of men. The imperial authorities there apportion this number among the different herrschafts or manors, according to the extent of their respective populations. The administration of the herrschaft does the same among its towns and villages; where, if voluntary enlistment does not suffice, the village authorities, with the lord's officers, decide on the parties who shall go forth. In well-regulated lordships, married men are never taken, or elder, or only sons; while individuals of less regular conduct are preferentially destined to the service; and the fear of being sent to the army acts thus as an instrument of police, in enforcing on the youths morality and order.

It has been mentioned that the villages are, under the supervision of the lord, governed internally by officers of their own selection; and that those of adequate size are competent to become market-towns, on obtaining from the crown a royal charter, which its policy rarely refuses. The charter provides an improved and extended system of self-government; the creation of a mayor and town councils, the administration of internal police, and the right of raising

money by rate on the inhabitants, or by loan under the common seal. It in no respect interferes, however, with the antecedent rights of the lord, to the robots dues and services of the inhabitants, the whole of which remain unchanged, until redeemed by mutual and voluntary bargain concluded under the sanction of the imperial kreisampt. Hence it is not unfrequent for the newly-constituted market-towns to raise money by loan under their common seal, for the purposes of emancipation; and hence, too, the extent of the emancipation varies considerably in the different towns. In some, robots and other personal services are redeemed, while tenths of produce are still yielded, or made matter of pecuniary composition: in others, the redemption is complete, and the supremacy of the lord consists only in the jurisdiction of his court, his chanceries, and registries, and the right of a veto on the election of municipal officers; and in others, again, even the jurisdiction has been abandoned on the score of expense, and the whole supremacy has merged in the crown. So long as towns remain under the jurisdiction of the lord, they are, equally with the villages, subject to the usual rights of feudality. No one can brew or distil without the lord's licence; and from such licences is sometimes derived a considerable portion of his revenue. No one can exercise the calling of butcher, or retailer of wines and spirits, but by his appointment; and over all the traders and inhabitants of his towns and villages he possesses a certain degree of control,

as the proprietor, in legal sense, of the soil on which they live. In some cases, as regards wines and provisions, he has a limited right of pre-emption; and, in others, of exclusive or privileged sale. His courts administer justice to suitors, many of whom venture not to appeal from their decrees. His police provides soldiers for the army, and inflicts summary punishment on small offenders.

Such is, in outline, the system of feudality in Bohemia and the northern provinces. It is evident that, notwithstanding the policy of the crown and the vigilance of its officers, much arbitrary power remains with the lords, and (what is worse in practical effect) with their agents. The former are less likely to abuse it than the latter. The improved humanity, and the increasing operation of a mild religion on the minds of the Bohemian nobles; their residence for a considerable part of the year in Vienna or in Prague; the feelings of luxury, indeed, but not of harshness, which result from courtly intercourse; and, finally, that public opinion which has penetrated, and does to a certain extent prevail in these countries as elsewhere, do far more than could be effected by any positive enactment, towards rendering them kind and beneficent landlords. These observations apply generally to the great proprietors themselves in all the feudal provinces; but the case must be often different with their agents. These latter may be closely watched by the imperial functionaries, ever seeking, in the detection of abuse, ground for further

innovation; but still it must be evident, that where feudal agents are inclined to be capricious or oppressive, the barriers are yet insufficient which oppose their will. Each short period of years, however, brings with it some improvement. In all the other sovereignties of Germany, as well as in Austria, the feudal institutions more or less prevail. In all of them a line is drawn between the noble and the non-noble; and, in several, that line forms a much wider real distinction than exists in the German provinces of Austria. In countries where these distinctions have been most abated, the alteration has been occasioned or accompanied by internal convulsion or foreign subjection, from both of which scourges Austria has been preserved by the steady attachment of her subjects. She pursues her course of reform quietly and peaceably; progressively adopting those ameliorations in the whole of her internal administration, whereby, if she be not obstructed by foreign causes, her resources and energies will, at no distant period, receive a development commensurate with their real solidity and extent.

If we turn now to the provinces south of the Danube, we find the severity of the feudal system nearly if not wholly extinct. In Styria, Upper and Lower Austria, Tyrol, Carniola, Carinthia, &c., robot is almost unknown.* The tributes and services have been redeemed; or, in lieu thereof, money-payments

* There may be some very few relics of the old system in Upper Austria, but, if so, they are rare exceptions.

are made, or a fine of 5 or sometimes 10 per cent. is levied on the transfer of property by sale, devise, or succession. The lord, indeed, as with us, retains his manorial rights of fishing and hunting: he has also his courts, as in the north, to which all the subjects of the manor are, in the first instance, formally amenable; but in which neither himself nor his officers have any real power, for no case in which he is directly or indirectly concerned can be decided but by functionaries of the crown. He appoints the collectors of the revenue, subject to the approval of the sovereign. He has, in fine, much of the forms, but very little of the substance, of feudal superiority. One important result of this relaxation is seen in the different character of rural occupancy. In Bohemia, Moravia, and Gallicia, few lands are let on lease. The private estates of the lords are principally in culture, or in sheep-farms, under the management of their immediate agents; while the rest of the soil is in the hands of the *coloni*, each cultivating his separate holding as best he can. In the southern provinces, on the contrary, a considerable portion of the land is in the hands of farmers or tenants, who hold on lease for six, eight, or twelve years, sometimes under the lord, and sometimes under his "*subjects*." The general rules of law in regard to these lessees or tenants are extremely favourable to the actual cultivator. In arrear for rent or for composition of manorial dues, the landlord possesses no power of summary distress: he must apply to a

tribunal in which the whole authority vests in functionaries of the crown, and wherein the tenant is also heard. The case proceeds as for common debt; and only after sentence is given against the tenant can the landlord, on default of payment, take out execution against person or property: the last step of which, as to the latter, is sale by public auction. The legal proceedings, moreover, are slow; and if the tenant or manorial debtor fears an adverse sentence, he often sells what he has, and moves away before they are closed. In the case of sub-letting and middlemen, the *land*, its produce, and the implements of the actual cultivator, are liable to each of those who hold above the actual occupant, but the *person* only to the *immediate* superior; and the liability, either as to goods or person, is in no case by mesne process, but only after suit and judgment obtained. Expenses for improvements are usually matter of agreement; but, in the absence of such, the tenant may demand indemnification for all he has incurred. He is liable, on the other hand, to payment of all public taxes and imposts, without claim for reimbursement, except where stipulation in the lease may exist to the contrary. As to the lord's individual judicial power, it is little, if at all, more than a mere formality. Two *subjects* in contest must indeed commence proceedings in his court—and in it, too, the lord primarily sues the subject—but the real proceedings are had before the judges of the crown, either by removal of the case, or by their presence in the local court.

Whenever the subject is plaintiff against the lord, he applies to the imperial procurator of the province, who carries on the suit for him in the crown tribunals at very small expense; and, indeed, so favourable is the general policy of the law towards the subject, that the late Emperor Francis, in speaking of his private domains, used frequently to utter a half-serious complaint, of his inability to obtain from the peasants on his private domains the justice to which he was by common law entitled.

Having thus far viewed the population in what may be termed their primary condition, of proprietors and cultivators of the soil, we have next to notice the nature of those social institutions, under which they live as inhabitants of villages, towns, and cities. On the old feudal principle which prevailed in most parts of the German States of the empire until a late period, and which is still in full vigour in Hungary, the internal government of the towns and villages, situated on manorial lands, was conducted by officers elected in some shape from the body of the inhabitants, but subject to the approval or rejection of the manorial fiscal, and consequently, in point of fact, chosen in accordance with his inclination. By a system of gradual interference, the crown has succeeded, throughout its German provinces, in acquiring, at the expense of the lords, much of the control over those local authorities; and, by assuming the

right to grant charters to villages of a hundred and twenty houses, it has raised those communities greatly in the scale of social existence, while it has secured for itself some portion of that political influence which was formerly enjoyed by the feudal superiors. In each village or chief place of a rural district, a magistrate, a collector, and other officers of internal management, are still chosen, by a species of election, by and from the body of the inhabitants; but all these functionaries now must be approved on the part of the crown by the imperial kreisampt. When to such a community a charter is granted, the extent of its corporation, or rather the number of its municipal functionaries, depends on that of its population; and with this view municipal towns are divided into several classes, and pass from a lower to a higher class, as the number and circumstances of their inhabitants improve. Their general system of organization, however, is the same,—corresponding considerably with that of the borough-towns of England previous to the late alterations. There is an outer or common council, elected for a term of three or four years; an inner council, or court of aldermen, chosen for life from amongst the former; and, by separate election, from among the members of these councils, are chosen a burgomaster or mayor, a syndic or recorder, a treasurer, and other functionaries. To these officers, aided by certain members of the corporation, who act as assessors, is committed the administration of justice to a limited extent; the lighting,

cleaning, and general police of the town; the establishment and regulation of markets; and the imposition of town-rates for corporate purposes. While, however, the corporate bodies have thus an appearance of municipal independence, and are in fact removed considerably from the pressure of manorial supremacy, especial care is taken in the working of the machinery, to avoid all that may lead to popular excitement. The controlling authority of the crown, operating through the kreisampt, or the landesstelle, is felt at every step. The power of election into a council or an office is not in the inhabitants at large, but in the members of guilds or companies—to some one of which all persons exercising trades are compelled, and other inhabitants are competent, to belong. Lists of these members of guilds, or, as we should call them, "liverymen," are prepared before every election, and transmitted for confirmation to the kreisampt. These general lists having been approved, each guild elects from its respective body a certain number of *electors*, varying according to the population of the town, but never, in the aggregate, less than twenty,—all of whom must receive the approbation of the kreisampt. The names of the candidates to fill up vacancies in the councils or offices are transmitted to the kreisampt, together with certificates of certain qualifications, and especially of *morality*—a term which, in Austria as in France, is understood to comprehend quiet, orderly demeanour, and habitual submission to lawful autho-

rity. The candidates having been approved by the kreisampt, who have the power of exclusion without declaring their reasons, the *electors* assemble, and, in presence of the magistrates, give their votes by secret ballot: after which the successful candidate is installed by the kreisampt or landesstelle into office. In some cases the feudal lord has a veto, as well as the imperial authorities, on the election of a mayor or recorder; but *he* is bound to give his reasons for exercising it, which the landesstelle has power to overrule; and although these and some other municipal officers are elected only for a term of three or four years, their functions are renewed at pleasure by the landesstelle without any further election —an arrangement by which the principal offices are held really for life, provided such be the pleasure of the crown. Neither is it to the elections only that this all-directing power of the crown is extended. Every regulation of internal government must receive the sanction of the kreisampt. To it, or to its superior board, the landesstelle, must be annually submitted a financial statement of receipts, expenditure, and estimates; and without its authority no disbursements can be made, and no rates or impositions levied on the inhabitants. A view of this machinery suffices to show how much the internal *government* of these municipal bodies is under the control of the crown, and this might alone account for its inclination to grant charters in all cases where it can acquire the power of doing so.

In an enumeration which I have before me, and which I believe to be accurate, the number of villages (dörfer) in the empire is stated to be 72,135, and that of the market towns (märkte) 2545; above which, in the scale of municipal rank, are placed 782 *cities* (städte). When a market-town has rendered itself, by commutations or agreements, free of all dues whatsoever towards a feudal superior, it may be raised at the pleasure of the crown to the rank of a *city*, by an additional charter which exalts its station, and grants it some higher political privileges, (probably including that of sending members to the provincial states,) but which makes little alteration in its general system of government. The number of the councillors is usually greater than in the boroughs, and divided into more numerous sections for the management of their more extended and multifarious functions; but the elections are under the same control of the imperial authorities, and all the acts of the corporation, administrative and financial, must, as has been described in regard to the boroughs, receive the sanction of the landesstelle of the province. The number of councillors at Vienna is seventy; at Gratz, thirty; at Pesth in Hungary, (where the *cities* have the same constitution as those in the German states,) a hundred and twenty-four. The larger cities are divided into several districts, each administered by separate functionaries, all under one burgomaster or mayor. The crown, legislating by ordinance, alters at pleasure the details of government in cities and

towns, and, where the population is large, usually takes on itself all the higher duties of police, and the preservation of public order.

As applying equally to both classes of the population, the inhabitants of the towns and those of the rural districts, must now be explained the system of public relief afforded to the sick and the distressed. No part of Europe probably abounds so much in charitable endowments as the wealthier provinces of the Austrian empire; and these, so long as feudal domination remained entire, were perhaps sufficient for all the exigencies of pressing misery:—for the genius of feudality combined protection with authority; and either paternal principle, ancient custom, or a sense of moral duty, impelled the manorial lord so far to provide for the needy and the infirm, as to preserve them at all events from actual destitution. But no social change, however salutary, can ever be effected without some attendant suffering. As the power of the lords became restricted, so did their protecting benevolence pass away. The pauperism thus created was further and extensively increased by the reduction of the monasteries under Joseph II., between the years 1782 and 1786; and hence the government of Austria, like that of England at an earlier period under somewhat similar circumstances, found itself compelled to organize what may be termed a system of poor-laws, whereof the sketch was

traced by Joseph, and the full development completed by the late emperor Francis. The first aim of Joseph was to restore entire efficiency to all *existing* institutions of benevolence; for which purpose, with that arbitrary decision which characterised all his reforms, he assumed to the crown the supervision and direction of every private and collegiate endowment. He next issued commissions to examine and report upon their respective funds and circumstances; and with this information before him, he suppressed those establishments which he considered superfluous or ineffective, pouring their revenues into a general mass, which, under the designation of the *poor-fund,* (*armen fond,*) he created or improved in each of the provinces. The institutions which he retained, hospitals, almshouses, charitable societies, or whatsoever else they might be, he did not divert from the objects of their foundation; neither did he allow the resources of the poor-fund itself to be applied to other purposes than those of social beneficence; but the administration of the fund, and the direction of the establishments, he subjected wholly to the control of the imperial authorities.

It was soon perceived, however, that neither these endowments, multifarious and extensive as they were, nor the resources of the poor-fund, nor the ordinary contributions of private benevolence, would suffice to meet the exigencies created by an altered condition of society; and hence has been formed a plan of systematic, though not compulsory relief, the aim of

which is to afford efficient aid to helpless poverty, without encouraging the baneful idea that it can ever be demanded as a matter of legal right.

In every rural community or parish, and in every district of the larger towns, (which for that purpose are divided into sections according to the number of the population,) is established an *Armen Institut*, or institution for the poor, which is under the immediate direction of the minister of the parish, and of an officer termed the *armen-vater*, the father of the poor. Its funds are partly derived from the interest of any special endowments which private benevolence may bestow, from donations received through the poor-box affixed at the door of every place of worship, from fines imposed for offences under the police and criminal jurisdictions, and from certain small municipal imposts in cities and towns on articles of public sale; but its most stable and general source of income is a collection made monthly from house to house, which, from the general tendency of the Austrian character to acquiesce in the recommendations of their clerical or civil superiors, has mainly the effect, without the odium, of a compulsory assessment. Bread, provisions, and clothing, are received from those, to whom pecuniary contribution is less convenient. It bears some resemblance to the method of collection formerly practised by the Franciscan and Capucin friars which the government has now wholly prohibited, but with these important improvements, that the money and means collected are received and distributed solely by the

minister of the parish and the *armen vater*, with the aid of the Protestant pastors in administering to the necessities of their own communities. Relief is afforded to the stationary poor, and also to casual and migratory applicants, provided with proper passports and papers, according to a graduated scale of full, half, and quarter allowances, sometimes in money, sometimes in provisions; and annual statements are furnished, exhibiting every detail of receipt and expenditure, which, after being countersigned by an official accountant, find their way, through the kreisampt and the landesstelle, to the ultimate source of every Austrian administration, the Imperial Chancery at Vienna. This is what may be termed the "districtual out-door relief"—the proper objects of which are the aged, the infirm, and the victims of casual misfortune; but for the suppression of vagrancy and the punishment of idleness, depôts of mendicity are formed in most or all of the cities and larger towns, combining the double purposes of police and charity, to which vagrants are transferred, and where they are compelled to labour. Alms-houses and infirmaries are very numerous; some supported by voluntary contributions and special endowments, others by the public funds of the province; and for the relief of persons of somewhat superior class, numerous societies are formed by individuals, who voluntarily contribute their means and their time in visiting and relieving private cases of distress, which shrink from the acceptance of public charity.

In harmony with the provisions for the succour of

poverty, are those established for the relief of disease. Each province has a *proto-mediker*, or physician-general, appointed by the crown, who is the guardian of the public health, the chief of the medical and chirurgical faculties at the universities and schools, and the director of all the hospitals and sanatory establishments, whether of public or private endowment, within the region of his superintendence. Dependent on him, each kreis or circuit has a medico-chirurgical establishment; and subordinate again to it, each parish or conveniently-sized district, whether of town or country, has one or more functionaries in each of the different branches of the profession, paid from public funds, whose duty it is to afford gratuitous assistance to the needy, and to report to their official superiors, on all points connected with the general health of their locality. Of the hospitals and infirmaries many are of old endowment; but, as occasion may require, arising from the increase of population, new ones are erected at the expense of the landesstelle. The internal arrangements and management of all these institutions are excellent; and, while, in the aggregate, they exceed in number those of any other country, except perhaps our own, their uniformity of administration and universal subjection to the control of the superior medical officer of the province, preserves them from most of those abuses and perversions which, in the *minor* institutions of English beneficence, are so frequently said to prevail.

Of the various descriptions of human suffering for

which relief is thus afforded, it would be superfluous and tedious to offer an enumeration. One class only it is requisite to mention, as it may be doubted greatly whether they be not conducive to that social disorder, which, in every other respect, it appears to be the successful aim of the Austrian government to remedy and restrain. These are institutions of which one or more are established in each province, combining the purposes of a lying-in hospital and an asylum for "foundlings." They owe their origin to the desire of Joseph II. to diminish the crime of infanticide, which, during his reign, was fearfully prevalent, and this immediate object of their creation they certainly appear to have successfully attained; but when the tables are considered, which in a future chapter on Austrian morality will be presented to the reader, some apprehension may be justly entertained, that the anxiety to extirpate one social evil may have materially contributed to encourage another. With this exception, if such it be, the objects as well as the management of the Austrian establishments of beneficence, whether eleemosynary or sanatory, evince a high degree of practical wisdom. They are all equally open to Christian subjects of every denomination: the Protestant, the Romanist, and the Greek, have equally the benefit of the parochial armen-fond, and are all equally admitted to the hospitals and infirmaries. The wisdom of Austria has also closely connected beneficence with religion. Except in cases of accidents and casualties, and in those falling within

the sphere of private assistance, the testimonial of the parochial incumbent, or of the protestant pastor, is generally required from all who solicit any species of relief, or admission even into any hospital; and in most cases of pecuniary succour, these sacred functionaries, in conjunction with the armen-vater, are its immediate dispensers. Malversation and abuse are checked (or at least sought to be checked) by that system of universal control, which in the eleemosynary, as well as in every other branch of its administration, the central government retains firmly to itself. The parish minister and the armen-vater transmit quarterly accounts of their receipts and disbursements, accompanied by every detail of information, to the archdeacon of the district, by whom reports of the whole of his archdeaconry are made to the Landesstelle of the province, and to the consistory of the diocese. Similar reports are rendered from every hospital, and by the medical supervisors of every parish, through their respective superiors, to the Landesstelle and to the Proto-Mediker, and from the whole of these materials are digested annual statements for the Board of Charities at Vienna. The Landesstelle, who are charged with the administration of all the charitable funds, transmit to the imperial chancery an annual budget of the income and expenditure, together with estimates for the future year; the armen-fond being applicable generally to all objects of beneficence,—to the erection and support of hospitals and infirmaries,—and, when occasion may

so require, to the enlargement of the funds of the armen-institut, in the different districts and parishes. If, in any one year, its resources, together with those of the other charitable revenues, are more than adequate to meet the charge on them within the province, the surplus is invested in securities until it shall be demanded for future necessities. If, on the other hand, they be insufficient for those objects which the Landesstelle recommend and the supreme Board of Charities approve, a grant is made from the general revenue; for the Crown never forgets that its strength depends on its paternal character, and endeavours to provide that, in some mode or other, misery, unaccompanied by crime, shall not be unrelieved.

On the actual condition of a population so large and so diversified as that which it has now been attempted to sketch a description, it is less easy to arrive at accurate knewledge, than on the machinery of the institutions by which they are governed; but all who have turned their attention to the subject will have admired the order and regularity, the contentedness of spirit, the absence of mendicity or visible destitution, the apparent sufficiency of worldly means, and the abundance of physical enjoyment, which seem generally to prevail in the German provinces of the empire. As commerce and manufactures advance, the system of guilds or companies in the boroughs and cities will be probably found to be injurious; but in the present condition of the country

its effect on industry is rather protective than otherwise, while, in a political point of view, it forms an important element of public order. Of the towns and villages, those situated on the extensive manors and feudal domains, which in most of the provinces constitute the private estate of the sovereign, are usually the best administered; and, supposing an equality of natural advantages, decidedly the most thriving and happy. In them the feudal superiority merges in the general authority of the Landesstelle or the Kreisumpt, and that authority, however great, is, under the vigilant inspection of the central government at Vienna, usually exerted for the well-being and improvement of the inhabitants. Their wants and interests are more carefully provided for;—their lawful dues more leniently collected;—they have, in a word, all the advantages of tenants living on the estate of a very wealthy and powerful and paternal landlord. On the feudal manors of private individuals, the state of the inhabitants must be liable to greater uncertainties. The necessities of the lords may require a rigid exaction of services and tributes; the local agents may be negligent or oppressive; and the frequently conflicting functions of the manorial and the imperial officers may work prejudicially to the enforcement of administrative regulations. The crown, making its advances steadily but cautiously, ever avoids, if possible, hostile collision. It is wary in exerting its rights of interference in the villages and smaller chartered towns, in actual opposition to the

manorial agents; and trusts to the effect of one small inroad following another, until victory is gradually, but effectively, ensured. As its success becomes confirmed, an uniformity of system is established. In the smaller communities and the open country, the authority of the imperial functionaries is substituted for that of the manorial agents; and in the cities and free boroughs, however at variance the interference of royal absolutism may be with the principles of chartered rights, it secures the inhabitants, at all events, from the feverish dissensions of a trading democracy, while it opposes a salutary check on that very objectionable form of government—the municipal oligarchy of a country town.

To the eye of the traveller, a perceptible difference is presented, as he quits the northern for the southern provinces; which, although arising from various causes, is not inconsiderably connected with the comparative prevalence or reduction of feudality. It occurred to ourselves, to pass from Bohemia into Upper Austria, by the road from Prague to Linz; when, descending the granitic range of mountains into the vale of the Danube, we found ourselves in a new and beautiful world. In Bohemia the lands had been usually in large open unenclosed masses, either of forest, pasture, or cultivated soil, with considerable villages, but few detached buildings. Here, on the contrary, the eye was gladdened with a view which would yield to none in the most lovely parts of England,—small green enclosures,—hedgerows

adorned with lofty trees,—neat well-built cottages among the fields, with their little gardens and trellises of roses. Traversing for a few miles this sweet vale, amid a well-clad, healthy, happy-looking population, we reached Linz, the elegant capital of Upper Austria. The noble Danube flows beside it, between lofty banks, adorned with gardens and plantations, village-spires, and handsome private residences; while the high white houses within, with their green verandas, the squares and fountains and architectural decorations, and withal, when we were there, the peculiar lightness and transparency of the atmosphere, gave it far more the character of an Italian than a German city.

Yet, in the less favoured provinces, also, it is but just to say that the population is generally thriving, where natural causes do not interfere to prevent it. In Gallicia there is the most of poverty; but there the feudal institutions, which formed the very essence of the Polish system, remain the most unchanged; and the proprietors have mostly incurred enormous sacrifices in support of their former countrymen in the struggles against Russia. Few well-constituted minds will refuse to sympathise with the generous feeling from which those sacrifices have originated; but still their effect has been most unhappy: for impoverished landlords, especially when they wield such extensive power, necessarily occasion impoverished subordinates. In many parts of Carniola likewise, of Carinthia, and of Istria, the people are wretchedly

poor; but this arises principally from natural causes: for no institutions of man can procure opulence to the peasant who exerts his efforts on the bare limestone rock, or who finds, in two years out of three, the scanty produce of his industry destroyed by the fierce assaults of climate. In most of the provinces, northern and southern, societies for the improvement of agriculture and the useful arts have been established, and are supported by the princes, governors, and principal proprietors, in conjunction with acting practical men; and an improved state of husbandry brings with it an increase of comfort to the peasantry. Very few countries in Europe have so much advanced in agricultural and manufacturing prosperity within the last quarter of a century as the extensive and flourishing, though still feudal, kingdom of Bohemia. In traversing it in all directions, we certainly saw poverty in the mountainous parts; and there too we met with beggars (a rare occurrence in the Austrian states): for there, as everywhere, the inhabitants of bare rocky districts will participate in the poverty of the soil they cultivate. Generally speaking, however, the land in tillage appears to be well managed, and the towns and villages to be devoid of misery. Constructed frequently, and indeed, as to the villages, almost invariably, of wood, roof and sides—some few only with walls of stone or brick, either with wooden shingle roofs, or thatched with straw, but always low and dark, and admitting light through small deep windows—there may be an *appearance* of discomfort attached

to them, especially in comparison with the buildings in the central provinces, but which is in a great measure deceptive. The mode of their construction is rendered necessary by the severity of the winter climate, and their position on large, elevated, open plains: but the doors, the windows, and the roofs are invariably in perfect order; and in the range of hundreds of miles I have looked in vain for a broken pane of glass or a fractured timber. In many of these wooden hamlets, too, a good deal of shrubbery decoration adorns the gloomy-looking huts of which they are composed. The agricultural implements are clumsy, but the condition of the cattle and of the horses, both for posting and for general labour, may be greatly admired; and the dress of the peasantry is warm and substantial—usually of coarse brown woollen stuff, a considerable portion of which is knit and worked up by the cottagers themselves, and the residue the produce of Bohemian and Moravian fabrics. The English traveller is perhaps too much in the habit of forming his estimate of the well-being of foreign countries, by the presence or absence of certain articles which are held to constitute what is called comfort in his own. He looks with a mixture of pity and scorn on the coarse brown-basin-like utensil, from which the Austrian rustic takes his nourishing and substantial mess; and his mind complacently reverts to the neat white plates of the English cottage, forgetting the scanty pittance which they may be too often doomed to supply to their master. Taking the English rural

population, on the large scale, in all its variations of locality, and with reference to the essentials of life, food, raiment, and lodging, and, I will add, education and moral conduct, I have great doubt how far it is, in either of these points, superior to that of Bohemia, and still greater, whether it be not in all of them inferior to that of Upper and Lower Austria.*

* Within the last very few years the spread of education in England has greatly increased; and it may be hoped that by its means, as also by an improved legislation on points connected with agricultural and manufacturing labourers, the moral and physical condition of the poorer classes may be essentially improved. How far this has or has not been already the case, I take not on myself to judge. I wish it to be understood that the comparison I have instituted is formed rather on my observation of the state of the lower classes a few years ago, than of that which may exist at the precise period when these pages pass through the press.

CHAPTER IV.

RELIGION.—History of the Ecclesiastical System—Different recognised Forms of Faith—Supremacy of the Crown over all equally, including the Roman Catholic—General Toleration—Reforms of Joseph II.—Suppression and Regulation of Monasteries, and Visit of the Pope to Vienna—Number of Clergy of all Denominations—Roman Catholic Establishments—Supremacy of the Civil Power—Jus Placeti—Episcopal Nominations—Scheme of Ecclesiastical Government—Diocesan Consistories and Functionaries—Parochial Benefices—Shrines of Pilgrimage—Episcopal Seminaries—Duties of the Clergy—Ecclesiastical Revenues—Tithes—Monastic Orders—Regulations for their Government—Compulsion to active Duties—Subordination to the Secular Powers—Laws and Conditions affecting them—Religious Fund—Non-Romish Subjects—Laws for separate Sects—System of Church Government for all—Parochial Ministers, Seniors, Superintendents, and Consistories—Hebrew Synagogues and Greek Bishops—Singular Imperial Edicts—Concluding Remarks.

THE history and management of ecclesiastical affairs is a very remarkable feature in the Austrian system. It exhibits a richly endowed and generally prevailing Roman Catholic establishment, beside congregations of every other religious denomination, all admitted to an equality of right and privilege*—a civil government exercising its absolute authority upon all religionists

* The slight shades of exception will be noticed presently.

alike; supervising the conduct and the revenues of the clergy; directing them in the details of their functions with scrupulous exactness; and assuming to itself the punishment of canonical as well as of civil disobedience—finally, a sovereign professing the creed of Rome, yet excluding the interference of the Romish pontiff, to an extent unknown in any other country of Europe; erecting and suppressing religious communities; controlling and directing their finances; enforcing on the clergy of every creed alike his imperial pleasure, even as to the forms of worship and to the instructions given from the pulpit; and actually annulling, in virtue of his supreme authority, the force of sacramental ordinances, when performed by his Romish subjects in contravention of his civil enactments.

The kings of Hungary, from the earliest times, had sustained their independence of the court of Rome; and, aided by the nobles, had, like those of England, frustrated all the attempts of the clergy to introduce the civil law. The crown retained to itself the nomination to all ecclesiastical benefices; and also the *jus placeti*—the right of admitting or excluding all papal bulls and ordinances. The Hungarian crown passed by succession to the house of Austria, in the year 1520, a succession which was followed by two centuries of slaughter and desolation. The Turks made themselves masters of far more than half the kingdom, and its dependant principality of Transylvania became a tributary possession of the Porte. What remained of Hungary to the crown was ravaged

and depopulated by fierce religious and civil conflicts, carried on between the government and the established church on the one side, and on the other by the bulk of the people, among whom the principles of the Reformation had been widely extended. These latter, too, were aided by a majority of the nobles, who, although mostly retaining the Romish faith, were opposed to the principles of the Austrian rule. The doctrines of Huss, Calvin, and Luther made great progress about the same period in Bohemia and in Upper and Lower Austria; but the emperors, ever firm in their attachment to the creed of Rome, succeeded in suppressing them by the sword, in that portion of their dominions. They were not so successful against their Hungarian subjects. These, headed by the Transylvanian princes, then tributary to the Porte, several times penetrated into Austria; and so threatened the capital itself, as to force from the emperors the pacifications of Vienna in 1606, and of Linz in 1645, which have ever since been part and parcel of Hungarian law. By virtue of these, and of the later edicts of Joseph II., four forms of religion, but four only, may be publicly exercised in Hungary, and persons belonging to either of these four are indifferently admissible to every office:—they are the Roman Catholic, the Oriental Greek, and the two Protestant confessions of Augsburg and Geneva.*

* The Jews are tolerated in Hungary, and are, in fact, very numerous; but they pay a tax for their toleration, and are incompetent to possess land or hold office.

Transylvania, being recovered from the Turks at a later period, varies somewhat in its religious establishments. Four professions are there also recognised by law; but one of these is the Unitarian, while the Oriental Greek is not included among them.

In the *German* provinces a different train of circumstances and reasonings has established an equal independence from the Romish power, and a still more perfect equality of general toleration. The German emperors claiming to be the successors of the Roman Cæsars, to whose voluntary concession the church is indebted for its pontifical patrimony, and by whose authority all the earlier general councils were convened and directed, always asserted that civil supremacy in clerical affairs, which had been exercised by their imperial predecessors.* The princes of the house of Hapsburg, who were usually elected to bear the sceptre of the empire, enforced in their *hereditary* dominions those rights and privileges which might have been more strictly inherent in their elected sovereignty. They made themselves the arbiters of Italy,—the creators, and not unfrequently the deposers, of popes. When, indeed, their policy required the repression of reforming principles, they did not scruple to employ, among other instruments, the thunders of the church; but even these were launched only under the authority of the chancery of Vienna, not of the pontifical court;—so jealous have the emperors ever been

* The last of the general councils (that of Trent) was summoned by mandate of the Emperor.

of papal encroachment, and so successful in subjecting to their own civil supremacy the pretensions of him whom they scarcely regard in any higher light, than as the proto-bishop of Catholic Europe. In all the *German* possessions of the crown, after the dread of Protestant supremacy or rivalry had passed away, general toleration was gradually introduced, and finally established by Joseph II.; so that, at this moment, every form of religion may in them be equally professed and exercised.* At Vienna are, at present, consistorial congregations of Lutherans and Calvinists, Jewish synagogues, and churches of the Oriental Greeks; but persons of *every* shade of religious creed are admissible to all stations of the army, law, and the civil government indifferently. Neither is this, as may be the case in some countries, a mere legal and not a practical right. The crown appears to be guided in its nominations to rank and office wholly by other considerations than those of religious belief; and in the imperial family itself, among the remarkable instances which have occurred of the absence of religious intolerance, may be cited the circumstance of two brothers of the late emperor Francis, the present archdukes Charles and Joseph, having both formed

* A partial exception exists in Dalmatia, a former appendage of Hungary, as also in Croatia and Slavonia, which are now incorporated with that kingdom. In all of these the Greek is the prevailing religion, and ancient ordinances still in force exclude Protestants from the possession of land or office.

their matrimonial unions beyond the pale of the Roman Catholic church. The latter (the actual Palatine of Hungary) has had three consorts, all of different religious professions—the first being a member of the Greek church, the second of the Reformed or Calvinistic, and the third of the Lutheran communion. The Archduke Charles is now the widower of a Lutheran princess, whose demise a few years since afforded an interesting illustration of the sentiments and practice of the late emperor in matters of religious observance. It is the usual custom for the remains of members of the imperial family to be conveyed in state to the cathedral church of St. Stephen, for the performance of the funeral rites, and thence to be transferred to the imperial vault in another district of the city. The emperor gave directions for the usual observance of the mournful solemnities; but the deceased having died, as she had lived, a Protestant, he ordered that the religious offices of her own communion should be alone performed. The archbishop of Vienna, at the desire of the nuncio, obtained an interview with the emperor, and represented the incongruity of Protestant services being exhibited in the Catholic cathedral. "Tell the nuncio," said Francis, "that this is no affair of his: the archduchess must be buried as I have directed;" and so she was. The corpse was conveyed with all accustomed pomp to the cathedral, attended by the imperial family: there the Protestant services were performed, and the funeral oration pronounced by the

chief of the Lutheran consistory; and from thence the cold remains passed on in the same solemn state to their long home, in the imperial vault beneath the Capuchin convent.

Between the years 1771 and 1779 that extensive and, in some respects, excessive church reform was undertaken by Joseph II., which had been partially contemplated during the reign of his predecessor Maria Theresa, and which has essentially modelled the existing features of the establishment. The first and heaviest blow fell upon the monasteries. On the assertion of principles wholly in opposition to the prayers and the policy of Rome, it was decreed that the regular clergy should be in all points subordinate to the seculars; that the mendicancy of friars should cease; and that the religious communities thenceforth allowed to exist, whether belonging to proprietary orders or otherwise, should be limited to such numbers only as could be actually employed in pastoral or scholastic duties. In carrying these decrees into effect, the great majority of the monastic houses were absolutely suppressed; and their communities consolidated, by the drafting together of several in one larger establishment of the same order. Of the mendicant friars many were pensioned for life, and the comparatively few who retained their monastic station were no longer allowed to derive support for themselves or their convent, by contributions raised from the public. With regard to their wealthier brethren, on the ground that individual poverty was

a common vow in every order alike, the doctrine was laid down, that provided each monk, now existing or in future to be admitted, received the personal allowances becoming his station, the immense properties belonging to the Benedictines, Cistertians, and other proprietary communities, in their corporate capacity, were subject to the control and disposal of the state. Leaving therefore to each house which was preserved, so much of property as was deemed necessary for its wants, the residue was confiscated; but Joseph did not, like Henry of England, bestow this wealthy booty on favourites and courtiers. Some smaller portion of it, as iron-foundries, glass-works, and other industrial establishments, he reserved for the civil government, together with, in some instances, forests and lands, and buildings which were attached to them, and from which their necessary fuel and provisions were obtained; but the residue he poured into a fund existing in each province, termed the "*religious fund*," or "chest" (*religions-fond, religions-kasse*), which has been thenceforward, and now is, devoted to objects connected with the spiritual wants or the education of the people. The reforming energies of Joseph were next exercised on the *secular* clergy. He erected and suppressed bishopries; re-modelled cathedral establishments; gave new laws to episcopal jurisdictions; abolished multitudes of oratories which had been served by mendicant friars; and established a large number of new parishes, of which the churches were built, and the ministers mainly endowed, from

the proceeds of the religious fund. Neither was the interference of this great sovereign confined to the external order and the temporalities of the church. It extended also to its discipline, and even to its rituals; and amid the innovations introduced by him and perpetuated by his successors, no one is more remarkable than the performance of the greater portion of the services in the vernacular tongue. The mass, that peculiar sacramental and sacrificial office which is celebrated by the priest alone in behalf of the congregation, remains in Latin; but the devotional exercises in which the people join, the prayers, litanies, and psalms, are, since the days of Joseph, all in German; and, amid the intellectual gratifications of Vienna, few perhaps are greater, than, within the solemn walls of its magnificent cathedral, to hear the swell of a thousand voices combined in offering the choral tribute of prayer and praise, in language which all, though Romanists, can understand and feel. It was in vain that the pope remonstrated against these accumulated infractions of what was termed, at Rome, the unity of Catholic discipline and practice. It was in vain that he even undertook a journey to Vienna, for the purpose of personal conference. The emperor received his venerable guest with every mark of deferential reverence. He lodged him in the palace, and passed with him a portion of each day in the courtesies of conversational intercourse; but he ever dêclined discussions on the ob-

jects of the pontiff's visit; and his holiness returned to Rome without having effected the slightest impression on the mind or the decisions of his imperial host.

Attacks, equally vehement with those directed against the church, were made, during the ten years of Joseph's reign, upon almost every institution of the state, as well as on the fundamental laws of property in all parts of his dominions. In Hungary his proceedings were peculiarly arbitrary. Decided on re-modelling the government, and anxious, with this view, to avoid the control of coronation oaths and constitutional forms, he never submitted to be crowned; nor, during the whole of his reign, would he consent to assemble a diet; and thus, exempted from conscientious scruples, he laid prostrate, by a series of ordinances, the entire constitution of that ancient kingdom. Like the projects, however, of other ardent theorists, whose sanguine temperament has outrun the bounds of practical wisdom, every one of the innovations of Joseph, both in Hungary and in Germany, were doomed to be repealed, even by himself before his decease—with the exception only of those which related to the church. *These* have been confirmed by the lapse of years, for they were effected in unison with the feelings of the public. They have worked great and substantial benefits; and, above all, his celebrated "Toleration Edict," which still forms the constitutional code of all the non-Romish

subjects of the empire (exclusive of Hungary), is an imperishable monument of his liberality of sentiment and of his statesman-like wisdom.

I have shown in the former chapters the aggregate numbers of the *population*, according to their several religions. I will now advert to those of the respective *clergy*. The number of the secular clergy, Roman Catholic and *United* Greek (namely, persons of the Romish communion, but administering the mass and services in the Greek tongue), is 48,589, whereof 7374 are in Hungary. The monastic orders, of which nearly 80,000 were numbered in the days of Joseph, contain now only 9896 individuals of both sexes (whereof 3056 are in Hungary), thus composed:—Roman Catholics, males 6826, females 2697; United Greek, all male, 74. There are likewise in Hungary 149 monks of the not-united or Oriental Greek communion. The clergy of the Protestant confessions, and the Oriental Greeks, comprise together 10,803, including, however, the 149 Oriental monks just mentioned; and of this number 6449 are in Hungary.

It has been stated that the great principle pervading the whole ecclesiastical government is the supremacy of the civil sovereign over the persons, the property, the beneficiary appointments, and even, it

may be added, the spiritual functions of the clergy of all denominations. Let us first consider the condition of the *Roman Catholic establishment.* The *jus placeti* is rigidly enforced in every part of the empire, and every person communicating a papal bull, edict, or ordinances, without the previous sanction of the crown, is subject to what are, with us, the pains and penalties of premunire—confiscation of property, and imprisonment of person*. The sole exception is in cases of absolutions to individuals granted by the Roman penitentiary, in those rare and unimportant cases which are technically called "cases of conscience" only, or where private reputation is concerned, and admitting of no delay. On all else, the *jus placeti* is universal over all the imperial dominions; and so far is the imperial control domestically extended, that no Austrian subject can be excommunicated, either by a native ecclesiastical authority, or by the sovereign pontiff himself, without the emperor's consent.

The right of episcopal nomination varies somewhat in practice or form in the different states. In Hungary it is not only in the crown absolutely, but the bishop so appointed enters on his functions and jurisdiction without awaiting the papal confirmation. In Austria, Bohemia, Styria, &c., the appointment is equally in the crown, with or without the formality

* The last instance of this infliction was, if I mistake not, in the case of a Hungarian bishop, who intimated an appeal to the pope against an ordinance of Joseph II. He was divested of his benefice, and suffered confiscation of all his property.

of congé d'élire; but requires the confirmation from Rome before the episcopal jurisdiction can be exercised. In the Italian provinces the nomination is formally, but not really, somewhat more connected with Rome. The archbishop of Milan and his four suffragans are indeed appointed by the emperor; but, as regards these last (the suffragans), he ought properly "to attend to the papal recommendation, unless having great cause to do otherwise." The appointment of the Patriarch of Venice, which vested in the senate so long as the republic existed, has been since assumed by the crown. To vacant Venetian bishoprics, the ancient custom was for the pope formally to appoint, preferring, however, always the first on the list of three names transmitted to Rome by the senate; and this form is, if I mistake not, still observed. Neither are the right of nomination and the *jus placeti*, powerful as they are, the only protections afforded against Romish encroachment. Another, of much importance, exists in the declaration of the ancient independence of the German church, by the congress of ecclesiastical electors at Enns in 1786, comprised in twenty-three important articles, all of which were confirmed by the emperor. By them, the administration and judicial power of nuncios are disavowed; the ancient German mode of episcopal election asserted; and a declaration made that no bulls, briefs, or ordinances of the pope shall be binding on the bishops, unless the latter regularly signify their formal consent, which, as regards those in the Aus-

trian states, can never be given without the previous sanction of the crown.

Thus the Austrian sovereign is, in point of real power, the effective head of the church; and it must be added that he sometimes exercises that power not exactly with due respect to decorum or to canonical rule—as occurred in the instance of an imperial prince appointed primate of Hungary in 1807, at the age of twenty-one;* and more recently in that of a prince of the House of Schwarzenberg to the archbishopric of Salzburg, at twenty-seven. That the pope may have dissuaded such nominations is highly probable: but he has generally found the emperors very firm and decided, and has ultimately deemed it expedient to confirm them.

In each diocese a *consistory* is formed, comprising usually, although not invariably, the members of the cathedral establishment, and some other officials. These constitute the council of the bishop; who, thus aided, has the supervision of all parochial, eleemosynary, and scholastic institutions, excepting those dependent on the non-Romish communities; the inspection of monasteries, and the investigation of

* This excellent young prince, for such he was, died in the second year of his primacy, 1809, a victim to the zealous discharge of duties which it was no fault of his that he was canonically too young to perform. A pestilential fever raged in Hungary, and was most violent in the hospitals of Pesth. The youthful primate deemed it his duty to administer personally to the sick and the dying. He passed much time in the hospitals, took the disorder there, and died.

simply canonical offences of the clergy. He has much of supervising duty, but no executive power; for all his functions are shared with the civil authorities, to whom alone is committed the enforcement of law; and even on those few points which are reserved for episcopal cognizance, reports must be made to the crown, and its previous or confirming sanction generally obtained. The former jurisdiction of bishops over questions of birth and legitimacy, marriage and divorce, wills and successions, has passed to the civil tribunals: imperial edicts have pronounced the circumstances, canonical as well as civil, which constitute a lawful marriage and divorce: dispensations for impediments, if granted at all, are obtained with the concurrence of the landesstelle of the province, or the kreisampt of the district—in many cases without any reference to the spiritual functionaries; and in the rare circumstances of simply canonical character, wherein it is still held that papal dispensation is requisite to the marriage contract, the application must be made through the landesstelle to the imperial chancery, who, in its discretion, forwards or withholds it, and through which alone the reply must be promulgated. A few years since, a query was submitted to the crown on the subject of the marriages contracted by Roman Catholic soldiers, without that permission of their superior officers which the military code enjoins. It was suggested that the sacramental character of the solemnity constituted a real and indissoluble union, although the parties might have thereby sub-

jected themselves to civil punishment: but an imperial rescript addressed to all the provinces unscrupulously cut the difficulty, by simply declaring every such marriage to be absolutely and *ab initio* invalid.

Of parochial benefices the patronage is, as with us, in various parties—the crown, the bishops, clerical and lay corporations, and private individuals—the right of nomination lapsing to the bishop, when not exercised within six weeks, if the patron be within the realm, or within three months, if absent from it. One consequence resulting from the sweeping reforms of Joseph, and experienced a very few years after his decease in 1790, was the insufficiency of the clergy in point of numbers for the performance of the duties assigned to them. The monastic bodies ceased to fill up the vacancies of their numbers even to the extent still allowed by law, when it was found that a life of active and laborious exertion must follow the profession of the vows; and the existing secular schools of theology were inadequate to supply candidates for orders, endowed with those higher attainments which were now first required in parochial ministers. With a view to remedy these deficiencies, edicts were issued in the early part of the reign of Francis, scarcely less important than those of his predecessor Joseph, and all tending to carry out the principles of his reforms in such manner as to render them practically useful. The monastic clergy, who had hitherto exercised a kind of collateral ministry with the incumbent, were restrained from all interference in the spiritual charge

of the parishes;—the duties of the altar, the confessional, and the pulpit, the administration of the sacraments, and the supervision of popular education, being confined alone to the incumbent, who was allowed the aid of one, two, or at most three assistants, according to the extent of the population, all acting under his own direction, and specially licensed by the civil power. The cathedral chapters were reduced to such number of prebendaries, canons, and other officials, as the landesstelle of each province might report to be expedient. The establishments of churches containing shrines of pilgrimage were reformed, or, to speak more correctly, were dissolved;* since all those extra-ceremonials which were calculated only to excite and attract devotees were prohibited—all supernumerary ministers dismissed—and the shrines committed to a single priest, who was permitted to celebrate only the ordinary offices of the altar. An immediate effect of these and other regulations of the same character, was the great redundancy of unemployed clergy in cities and towns, who were now interdicted from the performance of those extra masses and services whence their incomes had been previously derived; while in the country districts, on the other hand, the number of duly-qualified clergy was inadequate for the parochial duties. To meet this new difficulty, a further act of autocracy was decided on. As the crown had already asserted

* To this regulating ordinance there were some special exceptions in Gallicia, and in the vicinity of Vienna.

its authority over the property of the church, it now assumed a similar power over the persons of its ministers; and, under pain of total destitution, and perhaps of penal inflictions also, the unemployed clergy in the towns were arbitrarily removed, to take the charge of the new benefices which had been recently created. In order to provide against future deficiency, episcopal seminaries were at the same time established or confirmed in every diocese: their existing endowments secured to them, and others created, either from the revenues of the diocese, or from the funds of the state; and rules laid down in these and other institutions, for the training of candidates for holy orders. During the long succeeding period of the reign of Francis, a variety of constitutional ordinances were issued, either further to correct abuses, or to introduce improvements;—and hence has been gradually moulded the existing ecclesiastical system, of which it is now necessary to enter into some further details.

The episcopal seminaries of each diocese are supported partly by ancient endowments; partly by grants from the diocesan chest or religious funds; by payments from pupils, and by contributions from the bishop. In each seminary are gratuitously boarded and educated a certain number of poor students appointed chiefly by the landesstelle, or selected on public examination from the classical schools; while from those not so nominated a certain payment is received. The monasteries, also, are mostly required

to board, lodge, and educate within their walls a fixed number of pupils, some gratuitously, and others on regulated payments. These seminaries, episcopal and monastic, are generally connected with the universities, or so subordinate to them, that the students either pass from the one to the other, or contemporaneously attend the university courses; but in those episcopal schools which are completely organized, professors of the three faculties are established, not by the bishops, but by the civil government, whose lectures and testimonials stand in lieu of those obtained at the universities. The instruction imparted is strictly defined by imperial edict; absolutely uniform; and, like every species of education in Austria, essentially practical. It embraces all which, in the view of the government, may render the future candidate for orders a useful parochial minister; and hence, while scholastic divinity is almost neglected, no one can be inducted or appointed to a benefice, without producing, among the multitude of other certificates, those which especially attest his proficiency in what the Austrians term the science of "Pædagogy," as well as in such statistical arithmetic as will enable him properly to account for the charitable funds. Members of monastic orders are excluded from holding parochial benefices, excepting those which are in the direct patronage of their own communities; and to these they can only be presented on the production of similar testimonials, with regard to education, conduct, and capabilities of every kind,

as those required from seculars. By the authority of the landesstelle they may be appointed as *assistants* to an incumbent, where such assistants are required and allowed; but neither in the chapel of the monastery (except as it sometimes occurs where the chapel is itself also a parish church), nor elsewhere beyond their walls, are they permitted to receive confessions, administer sacraments, or perform any spiritual office, save as the lawfully-appointed subordinates of the incumbent, and under his especial direction. Regulations are enforced for the punishment of negligence, remissness, or immorality in the parochial clergy—for their succour in temporary need—and their comfortable provision in cases of infirmity or superannuation. Every district has its *kreis-dechant*, exercising functions similar to those of our archdeacons, whose duty it is to represent irregularities and deficiencies to the consistory, by whom they are reported to the landesstelle. Ministers of irregular or negligent habits, after attempts to reclaim them by admonition and fine, are removed to some penitentiary monastery, wherein they are confined for a period, or for life, on an allowance of a few kreutzers daily for sustenance,—their places being supplied under the direction of the civil authorities. If the incumbent require temporary assistance, a helper is appointed for him, either wholly at his own expense, or partially so, as the landesstelle, on the report of the consistory and other functionaries, may conceive to meet the justice of the case. If he

be to all appearance permanently disabled, although not arrived at advanced age, he is pensioned for life from the religious fund, and his duties committed to a substitute who receives the emoluments; but when the decrepitude or infirmities of years weigh down the aged incumbent, he is neither removed from the scene of his former usefulness, nor curtailed in the enjoyment of his accustomed comforts. He is allowed the option of retiring to the repose of a monastery, should such be his desire, or he may remain in his parochial mansion, still receiving the income of the benefice; and in this case his assistant is either pensioned from the religious fund, or, if a member of a regular order, is supported by the monastery to which he belongs.

The incomes, both of the diocesan and the parochial clergy, are derived from a variety of sources;—domains, manorial dues, endowments in land or pecuniary funds, tithes, fees, and (as regards especially the newly-created parishes) allowances from the religious fund. Some of the more ancient archiepiscopal sees have very large revenues, and the prelates are surrounded with stately dignity: but of the actual amount of their personal incomes it is very difficult to form even an approximate estimate, as a small part only of these sums, which are collected in their name, is devoted to their actual use.* The residue

* The primatial see of Gran in Hungary is among the wealthiest of Europe, and its income, varying with the price of produce, amounts, probably, from 30,000*l.* to 60,000*l.* sterling per annum.

passes to the diocesan chest, and is applied to the support of establishments connected with education and charity, the holding of courts, the repairs of cathedrals and episcopal buildings, heavy contributions to the State, and stipendiary allowances to parochial ministers. The parochial incumbent has, in the older parishes, generally more or less of glebe land, and other fixed endowments; frequently tithe, or stipend from the diocesan chest; and, by ancient custom, stated allowances by way of pecuniary contributions from the parish. The surplice fees are small; and for the saying of extra masses, and other supererogatory services, he can gain little or no emolument, as the regulations of the civil government on these points, if not absolutely prohibitory, are at all events very restrictive. In the more newly-constituted parishes, contributions are frequently assessed on the parishioners, which, having been at first voluntary, have now by custom become obligatory; and, where necessity so requires, allowances are made from the religious fund. In Hungary, where the influence of the crown is small, and ecclesiastical reform has less prevailed, many abuses exist, from which the German States are nearly exempt. The clergy are there far less subordinate to the civil authorities—pluralities and non-residences abound—and the crown is chargeable with the culpable irregularity of prolonging the vacancies in wealthy sees, in order that the revenues, or at all events that portion of them which formed the personal income of

the prelate, may pass into its coffers, or be administered under its direction. Happily the superior system of church government in the German provinces affords less temptation for this abuse; as the revenues of vacant benefices, episcopal and parochial, are paid, not to the imperial exchequer, but to the religious fund of the province.

In a country so closely connected with the see of Rome, and of which the institutions have until of late years so little varied, the law and practice of *tithe* is a matter of some interest. On the original principle of ecclesiastical law, the right of the church to tithe applied to all the produce of the soil; as it is found embodied in the concise Hungarian act of the year 1000, conceived in these words:—"Si cui Deus decem dederit in anno, decimas Deo det." The present practice, however, throughout both Hungary and all the German dominions of the emperor, makes tithes depend wholly on custom. No abstract right is admitted in either the spiritual or civil courts. A long custom must be proved; and hence it happens that the whole of the rich Hungarian district of the Bannat, and all other lands brought, like it, into cultivation in recent times, are not subject to tithe at all. The tithe, when paid, goes, as a general practice, to the episcopal chest of the diocese, conformably to what was, probably, in most countries, the usual custom of the Christian church in early times; from which chest, as before observed, the general expenses of the diocese are

partly borne, and stipends often paid to the parish ministers. A good deal of the *older* land also is now either tithe-free, or the tithe is paid to the manorial lord: both which circumstances have arisen from the bishops having formerly found it too expensive and difficult to collect the tithe in poorly-cultivated parishes; and having yielded it to the manorial lords, on condition of the latter paying stipends to the officiating priest. If such lands fell afterwards into the personal property of the lord himself, they became tithe free of course. If they remained in the hands of others, holding feudally under the lord, the tithe became, as it now often is, payable to the lord instead of to the church; and in many cases he now receives it without fulfilling the condition of paying the stipend of the minister—an exemption which he may first have procured for himself by force or intimidation, and which custom (which rules all in matter of tithe and stipend) has now made law. The incumbents, in such cases as these, rely mainly on the contributions of their flocks; and in some places custom has even established a double clerical tithe—the one taken by the lord, in virtue of an ancient cession from the bishop—the other paid to the minister, who, in early times, defrauded of his stipend from the lord, had recourse to the charity of his parishioners, which granted him sometimes a full second tithe. More of tithe is still paid in produce than in cash, but a great deal has been commuted; and this commutation, which the

policy of the government promotes, is of permanent validity, when sanctioned by the imperial *Kréisampt.*

But, perhaps, the most peculiar feature of the Austrian ecclesiastical system is the administration of the monastic communities: their partial preservation, under the rules of their respective orders, combined with utter severance from papal authority; and their compulsory adaptation to the purposes of practical usefulness, under the direction of the secular and the civil powers. By the Emperor Joseph the great principle was laid down, that these bodies should be allowed to exist only for the purposes of affording instruction to youth, and for the cure of souls in those few cases wherein the pastoral duties could not be adequately or justly discharged by seculars. That principle it has been the object of later edicts to carry into effect; among the most important of which are those of 1792 and 1801, issued by the late Emperor Francis. Under the provisions of the last of these, a commission was appointed, jointly by the bishop and the landesstelle in each diocese, for the examination of the monasteries within its range; and, on their report, regulations were made, fixing the number of individuals whereof each community should thenceforth consist, and the species and extent of duties which each should be required to undertake. As the law now stands fixed by these and subsequent ordinances, some dated as late as 1836, the monastic bodies are restricted from all communication with the Pope, or with the chiefs of their

respective orders, while these chiefs reside beyond the Austrian frontier. They are made immediately subordinate to a "provincial superior," established by the crown for each order in every province; and are all subjected to the jurisdiction of the bishop, and to the general or special direction of the landesstelle. Each monastic house is inspected by the kreis-dechant (the archdeacon) and the provincial superior; and at least once in three years is personally visited by the bishop, who makes a full report of their condition to the emperor. Some houses are allowed the management of their own domains, and to others an administrator is appointed; but in all cases annual reports are made to the landesstelle, of the number of members in each establishment, the services in which they are employed either at home or abroad, and the state of their schools, of their pupils and novices. Detailed accounts are at the same time rendered of their receipts and expenditure, every item of which must, except in extraordinary cases, have been previously sanctioned by the landesstelle on prospective estimate; and all the superfluous revenue is paid over to the religious or charitable fund of the province. The domestic superior, as well as the other functionaries requisite for the executive duties, hold their offices usually for three years, with capability of re-election at the end of that period. They are ostensibly chosen by the body of the fathers, who from time to time assemble from their several distant stations, in "general college

meeting;" but each election must be approved by the bishop, who has not only a veto in every case, but enjoys, after a short period of vacancy, the power of nomination absolutely in himself. Of the mendicant orders, the very few communities which have not been dissolved are allowed no longer to derive support from the alms of the faithful, but receive subsistence from the religious fund; and, like their brethren the monks, are preserved only for educational and practical purposes. With the licence of the bishop, which may be refused,—although, of course, such refusal must and ought to be extremely rare,—the sacraments and services of the church may be performed in the chapel of the monastery, to its immediate inmates; but to them only, except where the chapel is itself also a parish church. Many of the monasteries are required to hold within their walls the gymnasium of the district for gratuitous instruction in classics and general learning; and others, to train instructors for the universities; for which objects they are compelled to keep their establishments at the full numbers required by the imperial regulation. To some is allowed the privilege of receiving a certain number of boarders for education, on regular payments; and these then become schools of the higher class, for the sons of noble and wealthy families. Such especially are those of the Benedictines, the ancient and venerable patrons of learning; at one of whose splendid monasteries, that of Mölk, on the Danube, we found an assembly of

youths, bearing some of the highest names in the empire, lodged, boarded, and educated: but the species and manner of instruction, the books to be read, and the hours for reading them, are as strictly defined by edict for these as for any other establishment; and all the monastic pupils are subjected to frequent examinations by secular professors.*

If it be inquired what are the means adopted for enforcing on the regulars the performance of apparently irksome functions, it may be sufficient to reply, that whatever may have been the feelings of those who were the early victims of Joseph's severity, the present generation have been trained to the new system of monastic duties; and, like persons entering on any worldly career, are prepared to fulfil them when they take the vows. No one now enters a monastic community, with the view of idle repose or abstract contemplation. Candidates for admission to the severer orders are obtained mainly from the inferior classes of society, to whom the certainty of support, as the reward of labour, is a paramount object; and to all the orders alike members are admitted only after regular instruction in the schools, and during the three years of noviciate, for the duties of their future office. None are received but by vote of the community, on the production of testimonials, and with the sanction of the provincial superior:—suffi-

* For the nature and uniformity of the educational system, see the following Chapter.

cient precautions, generally, against the admission of those who are manifestly unfit;—and for contumacy, after admission, there exist abundant methods of correction under the orders of the landesstelle or the bishop, in the stoppage of allowances, removal to less favoured stations, and even by penitential incarceration or exile, with forfeiture of all provision. To the fathers of St. Benedict somewhat of greater indulgence may be occasionally, though rarely, shown, in deference to the services rendered to literature, in every age, by that learned and venerable body. Within those stately edifices which they are still permitted to inhabit, and where the instruction of youth forms their principal occupation, may be found some few distinguished persons, tranquilly occupied in literary and scientific studies, and from time to time enriching the world with the results of their learned labours: but these are exceptive cases; and, generally speaking, the position of an Austrian regular ecclesiastic is far from an enviable station. Always at the disposal of civil and secular functionaries, he must submit to removal wheresover directed; but may not voluntarily quit the district of his community without special licence. He can hold no spiritual benefice, except the few parochial cures in the patronage of his monastery, but may be commanded, at the will of the bishop or the landesstelle, to repair as assistant to any other distant incumbent; and even in these cases, as if in fear lest a regular should perchance become too acceptable to the parishioners, he

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is not allowed to remain as parochial assistant in one place beyond a very few months. Whether within his monastery, or beyond its circuit, he receives a small pecuniary allowance besides his board and clothing, but is incompetent to inherit any private property; and should he, perchance, in the exercise of his functions as university professor or otherwise, have made some pecuniary savings, he may not even dispose of these by will. As far as mere worldly considerations are concerned, his principal solace in the discharge of his practical labours is the assurance of his daily bread while health and vigour last, and that of a tranquil retreat in his declining years, within those sacred walls where his early vows were offered.

A few words on the RELIGIOUS FUND will complete the sketch of the Roman Catholic establishment. In each province are certain funds—the *religious* fund, the *educational* (*studien*) fund, and the *poor* (*armen*) fund, resting on dotations, contributions, and bequests. Of these, the most important in extent is the *religious* fund, as into it was poured the larger portion of the confiscated monastic property; and, as far as that property consists of real estate still undisposed of, it is yet administered for the benefit of this fund. It unfortunately happened, however, that those large appropriations of Joseph for the benefit of religion, were not unmixed with some less disinterested views towards the immediate exigencies of the state. He caused the greatest part of the confiscated domains to be sold, and the proceeds to be

invested in government securities; a proceeding whereby he obtained the immediate use of the capital, and the annual *interest* only was paid over to the administrators of the fund. As a necessary consequence it has followed, that these investments have shared the common fate of all other funded property during the eventful reign of Francis. In all its difficulties the crown respected the principle of the endowments, nor, indeed, did it even withhold a payment of the annual dividends to the creditors of the state; but as these dividends were paid in a forced paper currency, which, after falling to a ruinous discount, was replaced by another species of paper which soon sunk to a similar depreciation,* the actual amount on which interest is paid, in the present sound and healthy state of the finances, does not equal one-twelfth part of the original capital. While the revenues of the religious fund have been thus reduced, the claims upon it have vastly increased: new churches have in all parts arisen; the grand system of gratuitous national education for every class has been developed and confirmed; and in taking on itself, through the religious fund, the provision requisite for the pastors and instructors, the Government has deserved the high credit of allowing no difficulty on the subject of finance to interfere with its arrangements, to meet what are considered to be the wants and the interests of the people. According to their existing

* The successive depreciation of the currency and its effects on capital will be fully explained in a future Chapter on the Finances.

constitution, the religious, educational, and charitable funds are under the direction and control of the landesstelle; through whom the budgets of their respective income and expenditure, as well as estimates of their prospective disbursements, are annually presented for the sanction of the imperial chancery. In addition to its regular receipts, arising from real or funded property, the religious fund has many special sources of income, among which are the revenues of vacant benefices, contributions from episcopal chests, a tax on investitures and on public auctions, and a duty on new presentations, varying from ten to twenty per cent. on the first year's income of livings. If, from these aggregate sources, an income arises in any one province, exceeding the amount of the disbursements within its circuit, the surplus is paid over to other provincial institutions of an analogous character; such as those intended for the relief of the diseased. If, on the other hand, the income falls short of the estimated or real expenditure, as approved by the landesstelle and sanctioned by the crown, the deficit is paid by a grant from the imperial exchequer.

We turn now to the *non-Romish subjects* of the empire,—and perceive a system of perfect toleration, combined, as in the endowed establishment, with that absolute controlling power in the crown, which may be said to form the unity of principle in the Austrian rule. It has been already stated, that every person is re-

gistered as belonging to some one known religion, and that these are classified, for the purposes of government, under five general heads—the Romanists, the Greeks, the Lutherans, the Calvinists, and the Jews. Until the reign of Joseph II. the Jews laboured under heavy disabilities, many of which were removed by him, and the residue by Francis; so that, except in regard to some peculiar questions relating to unions and divorces between Jews and Christians, and the exclusion from certain trades* by the laws of some municipalities, they enjoy an equality of right in the German provinces, with all other subjects. The Greeks, besides their metropolitan and his seven suffragans in Hungary, have also an archbishop in Gallicia, and bishops in several districts; but the Hebrew rulers and the Greek prelates are all named or confirmed by the crown, and all matters of church-government are subjected to its sanction. The system of the two Protestant classes demands a notice somewhat more detailed; before entering on which, it must be premised that if a religious sect, not properly included within any of the five enumerated classes, be sufficiently numerous to form a congregation (a circumstance of rare occurrence, except in regard to foreigners), a licence is readily granted for the performance of their religious offices in a private

* A general law prohibits Jews from carrying on the business of apothecaries in any part of the empire, and there may be some other exceptional regulations; but they can hold land and fill all offices in the army and state.

dwelling. To a clergyman of the church of England, who intimated to the chief of police at Carlsbad his wish to perform the service to his countrymen there assembled, the reply was made, that "his so doing would be in perfect conformity with the Toleration Edict, and with the feelings of the imperial government;" and, in point of fact, he did, during a part of two seasons, administer publicly the services and sacraments of the church, either in his own apartments, or in those of some other Englishman. Congregations of various religionists are thus formed and dissolved, at Vienna and in other places, as temporary circumstances may occur to create them; but, when a *permanent* place of worship is any where established, it is usually registered as appertaining to that one of the five principal classes, to which it is most nearly assimilated; and thus, when a church of England chapel was opened at Trieste, the minister was directed, as a matter of formal regularity, which however has led to no other consequence, to hold himself subordinate to the Lutheran synod at Vienna.

The two formally established forms of Protestant Christianity are those of the Lutherans, holding the confession of Augsburg, and the Calvinists, holding that of Geneva. For each of these communities, a central consistory is formed at Vienna, having jurisdiction over the whole of the empire, (with the exception of Hungary and Transylvania,) the members of which are nominated or approved by the crown. Under these bodies, the empire is divided,

for the purposes of discipline, into districts and jurisdictions, corresponding in character and object, although not in dimensional extent, with the dioceses, archdeaconries, and parishes of the Romish church. In every province or large district is established for each confession a *superintendant*, under whom each smaller district into which the province is divided has a *senior;* and it is so arranged, that one senior shall be appointed over each ten communities or parishes, when so many exist within the range of one superintendence. The precise details of these arrangements, as well as the extent of the districts, must vary with the greater or smaller numbers of the Protestant population; but the principle of the graduated subordination is universal, and strictly enforced alike on the professors of the Lutheran and Calvinistic creed. Wheresoever Protestants exist in sufficient number and opulence to take on themselves the expenses of parochial establishments, they are empowered to build a church, under authority of the crown, and to endow it with glebe or other provision. The establishment consists of the minister, two or four *vorstehers*, (or *deacons*, in the Calvinistic sense of the word,) and a council of twelve assessors or elders. These meet in parochial council on all matters concerning the parish; but always in presence of a commissary from the imperial kreisampt, without whose sanction all their resolutions are invalid. The parish treasure is under the joint custody of the minister and of one of the deacons; who

have faculty to expend at will as far as twenty-five florins, (£2. 10*s*. sterling!) but no payment above that sum may be made without the authority of the kreisampt, to whom also the accounts of income and expenditure, together with estimates of future disbursement, are annually submitted. Among these items, a proper stipend is fixed for the minister, preserved by the authority of the kriesampt from arbitrary fluctuation; and when the endowment is insufficient for its payment, the residue, as well as the other requisite means for parochial necessities, are obtained by an assessment on the congregation; which, although professedly voluntary, is, "after many exhortations addressed to the consciences" of the reluctant parties, ultimately enforced on them by the authority of the kreisampt. The parochial ministers are all appointed by the consistory at Vienna, from three candidates proposed by the superintendent or his subordinate senior, but require the confirmation of the imperial landesstelle. Their education is obtained either at Protestant seminaries, which are allowed to exist under the same regulations with those of the Romanists, or, if passing through the general course of instruction at the haupt-school and the gymnasium, the certificates of the senior or superintendent, as to religious proficiency, stand in lieu of these from the corresponding functionaries for the Romish communion; and degrees in divinity are obtained in the Protestant College at Vienna. The *senior* is the supervisor of all matters connected both

with the churches of his district, and with the education of the youth of his own communion; of which latter the more immediate charge falls on the officiating minister, whether the pupils be instructed in distinct establishments or intermixed with those professing different creeds. To the *superintendent* belong, as to discipline, functions of an episcopal character. Either in person, or by deputation to a senior, he makes an annual visitation of his diocese, if such it may be called, reporting to the consistory of his communion at Vienna, and to the landesstelle or the kreisampt, all he may find amiss. He consecrates new churches; administers confirmation (a duty especially directed by imperial edict to be performed on all Protestant youth); examines and ordains ministers; gives licences to preach, without which the ministers are restricted to the use of authorized homilies; recommends candidates for the college of Vienna; and enforces discipline and good government in every department. These high functionaries are appointed by the consistory, but approved, and thus, in fact, nominated, by the crown; and derive their emoluments partly from rates levied on the communities over which they preside, and partly from the religious fund. The supremacy over the whole body rests with the consistories at Vienna; if indeed that can be termed supremacy, which may be exercised only under the controlling sanction of an imperial commissioner. The consistories appoint, and, in conjunction with the landesstelle, displace,

the parochial ministers; investigate delinquencies; hold a kind of concurrent jurisdiction with the civil power over eleemosynary and educational institutions; receive, and arrange for the crown, financial and statistical reports; and would, by their general and special edicts, regulate the discipline and doctrine of their respective communions, but that they, as well as their brethren of the Romish persuasion, are usually saved much of the trouble of so doing, by the immediate ordinances of the emperor. One among the duties of the consistory is, or rather has been, to prepare or sanction all books of education or religious instruction to be used in schools; hymns and psalms for congregations; and sermons, and even forms of prayer, to be read by those who are not licensed to preach. Private conventicles are prohibited, and unauthorized expounders of doctrine severely punished; but Protestants, living at a distance from their church, are allowed to assemble in a licensed room, where some person—preference being given to the schoolmaster—may read the Scriptures, together with some one of the printed homilies and prayers put forth by the consistory and sanctioned by the government.

Among the ordinances promulgated for the guidance of the reformed churches by their Roman Catholic sovereign, some are not a little remarkable. I have one before me, issued in the latter years of the deceased emperor, Francis, in which the following duties, amidst many others, are strictly enjoined

on the superintendents:—to give out theses annually to the preachers for themes in all matters of theology, in order that their soundness and unity of doctrine may be preserved; to establish reading societies, provided with clerical books approved by the consistory; to give heed that those books only are used at schools which the consistory approve; and that the Protestant youth, having been duly instructed and prepared, be brought to the superintendent for confirmation at the age of fourteen. The ordinance goes on to direct that the parochial ministers shall administer duly the sacraments, catechise in churches and schools, be diligent "in reading the Scriptures, especially those of the New Testament," and in expounding them according to the instructions which each superintendent is bound to give; in their sermons to cause no controversy by new expositions or reasonings contrary to received opinions, "or to waste time in fruitless speculations," but simply, and in simple language, to inculcate faith and morality. Ministers who disobey these instructions, and especially those who preach against other forms of religion, are to be denounced to the consistory and the kreisampt; and, on repetition of the offence, after due admonition, to be suspended from their cures.

These regulations breathe the spirit of the Austrian rule. Peace is its aim and its delight; and it sternly compresses the elements of disturbance, in every branch of the civil and religious administra-

tion. Yet, with all the avowed equality of toleration, it cannot be denied that some shade of preferential privilege is enjoyed by the Roman Catholic church, of which, in Hungary at least, the Protestants have made great complaint, and which, unless closely watched by the government, might be liable to considerable abuse. For instance, in mixed marriages, where the father is Romanist, *all* the children must be brought up in the faith of Rome; but where the father is Protestant, the *sons* only follow his creed, and the daughters that of the mother. Again, in cases of conversion from one communion to another, the convert to Romanism is at once, and on his own desire, received into the bosom of the church; but the Romanist may not be received into a Protestant community, until he shall have submitted to exhortations and instructions during six weeks from the Romish minister of the parish, and which may be even extended to six weeks more, in alleged cases of "stupid obstinacy." A party, moreover, is popularly supposed to exist at Vienna, who are very zealous for conversions to the church of Rome; and certain it is, that in some parts of the empire, where the Greek faith is the most prevalent, much bad feeling has arisen from the over-ardent labours of Romish missionaries. Were the late emperor still on the throne, such undue zeal would be repressed; and it may be hoped that the able advisers of the present sovereign, who appears to have all the good intentions, but not the health or the energies, of his

father, will suffice to enforce the established policy of the government, and to repress all tendency to practices, which, if permitted to prevail, might endanger in more ways than one the best interests of the empire.*

These points of distinction, however, it must be allowed, are of little real importance in their practical effect; and, as regards general rights and privileges, all creeds, at any rate all Christian creeds, stand on a fair equality. Except as regards the payment of tithe, in the manner already explained, no one contributes to the support of a church whereof he is not a member. None but Roman Catholics are subject to the Roman Catholic spiritual tribunals. The Greek bishops† have tribunals of their own for the members of their own communion; and the Protestants have jurisdiction in matters of conscience and

* On certain occurrences reputed to have recently taken place in Tyrol, I make no observation, as I much discredit the reported facts. On all points either of theory or practice, connected with politics or religion, a tolerably enlarged experience of life has compelled me to receive with extreme caution the charges preferred by those, who differ in opinion from the parties against whom the charges are brought.

† In Hungary the Greek church has a peculiar organization, with an archbishop and seven suffragans, who have seats in the upper house of Diet; but I abstain from entering into the details of that establishment, or of the circumstances peculiarly regarding the Protestants of Hungary, the object of the present notices being confined to the German states, and the general policy of the imperial government.

discipline in their own consistories. The Protestants yield no aid in money or labour to the repair of the Roman Catholic churches, save only that the lord of the soil, whatever be his creed, must grant mere land for the erection of a church of any persuasion when required by the landesstelle to do so. The Protestants may have their schools and places of education, public or private, and may administer all religious endowments of their own, subject, like those of the Romanists, to the supervision of the crown; and the censorship of their religious books is confided wholly to Protestants, "indiscreet reflections" on other religions being alone forbidden. One result of this toleration has been, that, in Hungary, where the Protestants are very numerous, their communities have, since the edict of Joseph II. in 1786, nearly tripled; and no doubt can be entertained that their number is still largely on the increase. In the German States they less abound; but there, as in all the dominions of the empire, the powerful arm of the government protects them, crushing controversy both in the pulpit and the press; and thus the law, if properly administered, silences religious animosities, and prevents the excitation of the most unchristian passions, in the asserted cause of Christianity itself. Factious spirit and party pride are not called forth in support of the obstinacy of error; and the example of superior practice, that real fruit whereby the tree is to be known, has, in my belief, the principal merit of the conversions that are

made. In the Roman Catholic church, the system, as far as it prevails, of paying tithe into the diocesan chest, whatever be its collateral evils, appears to have some decided advantages. The minister is thereby preserved from all pecuniary collision with his flock: he has neither adverse interest nor feelings. As regards the usefulness of his pastoral character, his removal from all civil charge enables him to be the mediator between casual delinquency and the sternness of the law—the ever-ready minister of peace and consolation. Selfishness, pride, and human frailty, will of course be found among them, as in every considerable body of men: but, my impression is, that, taken as a class, the Austrian clergy are useful and diligent, respectable and respected.

CHAPTER V.

EDUCATION.—Observations on the Education of Southern Europe, of France, and of non-Austrian Germany—Austrian system of Education—Its Objects, Principles, and absolute Uniformity, under every circumstance—Regular Gradation of Schools, and of scholastic Superintendence—Regulations regarding non-Romanists—Nature of the Instruction—Popular Schools; their System and Government—Gymnasial Schools and Universities—Expenses of the Educational System—Distinct Institutions—Private Tutors and Private Academies—Ordinances of Francis II.—Number of Persons receiving Education—Inducements to Education—Nature and Effects of the "Poor Student" System in Germany—Its disfavour in Austria—Contrast between the Austrian and other German Universities—Effects of Austrian Education on the intellectual and moral Character.

IF we contemplate the discordant systems established in different countries for the training of the youthful mind, we shall experience no surprise at effects having been produced, not only dissimilar from each other, but, in some instances it may be feared, actually repugnant to that amelioration of intellectual and moral condition, which is the professed object of all education. In the southern nations of Europe, wherein the maxims of Rome are the most predominant, the characteristic principle which pervades every grade of instruction is an unhesitating submission to the dogmas of a professedly infallible church; not

simply as those dogmas may be understood by the more enlightened members of that church itself, but as they are laid down by every ignorant and fanatical individual who may claim to be an authorised minister of the altar. A total submission is demanded to all asserted authority, civil as well as ecclesiastical, as resting equally on the foundation of super-human ordinance. All that is propounded must be believed; all that pretends to right must be obeyed. To this, indeed, in a *more restricted* degree, as a principle of early training, the sound practical philanthropist may not be unwilling altogether to withhold his assent. He will admit that education, not founded on religion, must be not only defective, but absolutely injurious; and that, as regards the bulk of mankind, the adoption of those doctrines, whatsoever they be, which are recommended by parental example or national authority, is more conducive to practical morality, than that undue exercise of private judgment which would impel each individual to form a religion for himself. Equally would he uphold, to a rational degree, the duty of civil obedience, as inseparable from the Christian character and indispensable to the general welfare. Rejecting, on the one hand, the pernicious maxim that man is hopelessly subjected, by divine compulsion, to the caprices and abuses of absolute power, merely because it exists; he will discourage, on the other, as not less injurious to public and private happiness, that turbulence of spirit which makes every man a politician, and impels the trader

and artisan to neglect the orderly pursuits of his calling, on which his family depend for their daily support. Thus far, he may yield a qualified assent to the educational maxims of Rome: but the Romish church demands from her votaries, in all these respects, far more than can be wisely or safely conceded. Retaining in a large degree the scholastic theology, the casuistical philosophy, and the legendary absurdities of the middle ages, she is encumbered by that presumed infallibility which prevents her ever formally disavowing aught which has once been incautiously sanctioned; and hence (without alluding now to the soundness or the errors of her higher doctrines) every ignorant parochial assistant or fanatical friar may unrestrictedly propound to the youthful mind, as objects of saving faith, matters which are repudiated by the wiser and better members even of his own communion. So long as this erroneous and dogmatical instruction retains its empire over the mind, a sort of passive and tranquil contentment, and a tolerably regular performance of the ordinary duties of life, may be its probable result; accompanied however with considerable prostration of the reasoning powers, and great inequality of moral conduct: but, if, perchance, this empire be shaken—if the faculty of thought invade the dominion of belief—a fearful result ensues. As essentials and non-essentials, truth and falsehood, have been enforced under an equal sanction of unerring authority, the mind, untrained to discriminate for itself, rejects the whole as

imposture, on detecting the fallacy of a single error. It finds no resting-place between the extremes of credulity and scepticism; between the slavery of abject submission and the licentiousness of republican equality. The traveller who has intermixed with the population in Spain and Portugal, and southern Italy, will generally have observed, that whosoever has ceased to be a devotee has become an infidel; and that, where the maxims of uninquiring and unlimited submission have been rejected, they have been succeeded by the dangerous theories of the visionary Carbonari.

Turning next to France, we find a very different system of instruction adopted; and, as its result, a very different stamp of moral and intellectual character. During the reign of Charles X., as well as partially under that of his predecessor, attempts were made to restore to the clergy that influence over education, of which they had been deprived by the circumstances of the revolution; and from these attempts have arisen those *écoles Chrétiennes* which partially exist in some few departments, and wherein, whatsoever be their merits or defects, religion, at all events, forms the basis of instruction. These, however, are exceptional establishments. The traditional accounts of the former domination and corruption of the clergy, handed down with excessive exaggeration through the periods of the republic and the empire, have combined with the spirit of insubordination produced by the revolution itself, in creating

a general repugnance to clerical control. The scantiness of those subsidiary pittances, which the state allows to the ministers of religion, deprives them of social station among the higher members of the community, by the example of whose respect the inferiors might probably be swayed. It is possible, moreover, that the eagerness of the French clergy to oppose the excess of national infidelity, may have in too many instances led them to the opposite extreme; and that their general adherence to the more objectionable doctrines of their southern brethren, may render it less a matter of regret than it otherwise would have been, that they are allowed no participation in the national education. Be this as it may, their endeavours have been unavailing. The control of popular education rests with the civil authorities, headed by the minister of public instruction; and deeply to be deplored it is, that, generally and practically speaking, religious and moral training forms scarcely any portion of it, either in the public institutions or under the domestic roof. In the popular school, the gymnasium, and the university, a sort of imperfect and superficial instruction on general literature is given, which suffices to encourage individual conceit, but tends neither to solidity of thought nor regularity of conduct. Indulged from their earliest years in practical independence, the youth of France are ardent, heedless, and impetuous—eager in the pursuit of every momentary gratification, regardless of results to themselves or others. They are often brilliant in genius, and

sometimes heroic in action; but, unsteadied by the ballast of religion, they are too often borne along by every gust of caprice, and founder in the storm of passion. France has long been, and probably will long remain, a great and powerful nation; but she is certainly not the country of Europe which the philosopher would select, in his search for individual happiness or for public or private morality.

In Germany (I refer now to those of the German states which are *not* embodied in the Austrian empire) we observe an educational system, producing a development of the intellectual faculties highly superior to that which exists in either France or southern Europe. At the lower school, the gymnasium, and the university, the instruction imparted is, in its various degrees, solid and substantial; tending to repress frivolity and conceit, and to engender in the mind habits of deep thought and patient investigation. Hence the Germans are orderly in their outward conduct, and quietly amiable in their general demeanour; laborious beyond any people of Europe in their literary and philosophical pursuits; loving knowledge for the enjoyment it affords; and despising the coxcombry of learned pretension. But the great error of German education is the allowance of too wide an indulgence to the imagination, at that early period of life when the judgment is not yet formed, and when the imaginative tendencies require most to be repressed. The importance of religious tuition is not denied, but, except in a small minority of the states,

wherein, as in Bavaria, the schools are placed under the control of the clergy, its inculcation is left to parental discretion, or, what is far more dangerous, to the fancy of the public instructor. The professors of the university and the gymnasium, unchecked by the pressure of control, and depending for their support on the number of their pupils and the success of their literary productions, find their best reward in the promulgation of bold and striking novelties, often supported on the most profound though perverted erudition, and recommended to the student with all the powers of eloquence. As the yoke of authority is in Italy too heavy, so in Germany it is too light. The very principles of religion, ethics, and politics, are brought into casuistical dispute; while a deep tone of impassioned feeling, an excessive ardour of the imagination, combine with a distrust of received opinions, in creating that wildness and mysticism in theology, philosophy, and the theories of civil government, which, had they not been compressed by the strong hand of power, would have often burst forth in general convulsion.* It is not in Germany, as in

* I am inclined to ascribe very much of the order and happiness which prevail in Germany to the "sweet power of music." In every class of society the taste for this soother of all mortal ills is cultivated with an enthusiasm peculiarly German. Every individual plays on some instrument—every family forms a part of some musical association, who meet at each others' houses (often in the smaller towns on every evening of the week) to pass some hours in social harmony. In the public garden, the guinguette, and the saloon, music is the great attraction: it is the soul of

France, an impatience of restraint, a thoughtless frivolity, or a selfish eagerness of personal gratification, which impels to the breach of moral and social obligation. It is a misdirection of the reasoning faculties; a predominance of sentiment above judgment; a sincere, though most dangerous, enthusiasm, which seeks no private ends, and acts only on what it wildly but honestly believes to be sanctioned by the order of nature, or required for the good of mankind. To control these eccentric tendencies of the national character, in so far, at any rate, as they bear on civil government, has been one main object of the Prussian monarch, in compelling one system of education on his subjects, and prohibiting their access to sources of foreign instruction; but the Prussian system, while it retains many of the moral defects observable in the rest of Germany, has created others peculiar to itself. It partakes too much of the military genius which pervades every branch of Prussian administration. The stern law of compulsion, which sends every youth for six years to some specific school ordained by the state, and, subsequently, at the age of eighteen, tears him from his home to serve for three years in the camp, may render him indeed, like the sons of ancient Sparta, a child of the state; but it too probably breaks asunder the bonds of domestic depend-

German life; and I believe its influence to be most essentially powerful in subduing that turbulence of feeling and action which the course of German education and habit would naturally tend to encourage.

ence, with all its train of duties and affections. The course of ordinary civil occupation, and the acquisition of expertness in the mechanical arts, are suspended at that precise period when mental and manual flexibility may be most successfully employed. Military habits and feelings are engendered among those, who are to gain their bread as labourers and operatives. A school education, ill calculated for the purposes of moral restraint, is followed by a military training, insufficient in duration to create useful soldiers; and, although a most sagacious government has hitherto sustained public order and national prosperity, it can hardly be doubted that the natural tendency of the system is to divert the taste from the tranquil pursuits of civil life, while it produces a nominal army, strong in numerical force and beautiful in parade evolutions, but ill adapted for the duties and labour of actual warfare.

Austria has organized a system, essentially distinct from either of those to which allusion has now been made. Aiming at the gradual and peaceful amelioration of her internal condition, the equalization of rights before the law, and the general development of the national resources, she views education in its larger sense, as a mighty engine to mould the public mind; to cement it together in a bond of cordial union with her existing institutions; to excite and to regulate its energies, so that it shall be neither a drag on the

state machine by its ignorance and grossness, nor a spur to unsafe speed by its crude theoretical fancies. She strives at the creation of a happy, not a brilliant people; and hence she affords gratuitously to every class, such instruction as shall be practically useful in their respective spheres of life, firmly withholding all that may tend to merely imaginative speculation.

In carrying these views into effect, two leading principles are adopted. The *first* is, that the state shall alone direct the education of all its subjects, in every grade of society. From the prince to the peasant a course of instruction is afforded, in the university, the classical gymnasium, the commercial academy, and the primary village-school, which is gratuitously open to all, and in each of which those books alone are used, and those opinions alone propounded, which the state has specifically authorized. Private tuition, whether under the domestic roof or in licensed institutions, as well as that imparted in the theological seminaries and the specially endowed establishments, is equally controlled by the crown, and subjected to the supervision of its functionaries: and those only who have been educated within the realm, are competent to hold any office, to exercise any calling, or even to be employed in the operative labours of manual trades. The *second* principle is the connexion of all education with religion. With those wise and tolerant views which have been explained in the last chapter, an equality of protection and of privilege is accorded to the Hebrew and the Protestant,

the Greek and the Romanist. No attempt at proselytism can be practised; but every pupil is compelled to receive religious instruction from the authorized minister of the profession in which he is registered, and the testimonials of that religious instruction are necessary for every step of his future progress in life. Thus to a certain degree has Austria adopted the "universality" of the Prussian system; but with this most important distinction, that, while she offers education to all, she compels it upon none. She uses every exhortation and inducement to urge on parents the acceptance of the boon she holds forth; but she allows no interference with that domestic authority, no tampering with those reciprocal affections, which mould the genius of all her institutions, and form the strength of the throne itself. To a certain degree also, she adopts the "authority" of the Roman school; but with this most essential difference likewise, that she deprives authority itself both of its exclusiveness and its superstition. While she makes religion the basis of all education, she so extends that basis, as to comprehend the dogmas of every recognised persuasion; and, while she commits the charge of supervision to the clergy, she sternly compels that clergy, whatsoever be the creed they profess, to the inculcation of those truths and doctrines, and those only, which may have been specifically put forth by their respective ruling consistories, and been sanctioned by the supreme authority of the state.

It is now necessary to explain the details of that organization, the outline of which has been already sketched.

At the head of the department, is the *Hof-Studien-Commission* at Vienna; a council of education, composed of laymen appointed by the crown, who hold themselves in communication with the consistories of the Romish, Protestant, Greek, and Hebrew communions, and generally supervise the education of the empire. They are a deliberative, and in some degree an executive, but in no wise a legislative body. Their functions extend to the investigation of all matters of complaint connected with educational institutions, not within the cognizance of legal tribunals; the suggestion and preparation of all plans of educational improvement; and the authorization of a variety of acts, for which, by royal ordinance, their licence or direction is required. They are the referees and the counsellors of the crown, on every point connected with instruction in all its branches, theological and civil, military and industrial; but so little are they intrusted with original authority, that even an alteration of the fixed hours of instruction, or the substitution of one grammar for another in a school, is made the matter of a special imperial edict. Under this central council, a graduated system of superintendence is organized, to be exercised jointly by the spiritual and the civil authorities. The scholastic establishments of every class within the *diocese* are subjected to the bishop and his con-

sistory, jointly with the landesstelle;—those of the *district* to a clerical overseer, who is not unfrequently the kreis-dechant (or archdeacon),* jointly with the kreisampt;—those of the parish to the parochial incumbent, jointly with a civil commissary whom the kreisampt appoints: but, in order that this general arrangement, which is made with a view to the great bulk of the population who profess the religion of Rome, may not interfere with the consciences of those holding different creeds, the Protestant superintendents, seniors, and pastors, (the nature of whose avocations has been explained in a former chapter,) the Greek prelates and their subordinates, and the authorized Hebrew rabbis, are substituted for the Romish spiritual functionaries, in their respective degrees, for all that regards the members of their several communions.

There are six classes of schools subjected to the superintendence of the education-board; namely, the popular, the gymnasial, the philosophical, the medico-chirurgical, the juridical, and the theological. The four last of these, form separately the objects of various special institutions; and, combined together, they constitute the four faculties of the universities.

* It might be more correct to render the term *kreis-dechant* by that of *rural dean*, were it not that in England the rural dean has no legal powers; those which were anciently attached to his office having, according to the assertion of Blackstone, long since merged in the archdeacon and the chancellor. The kreis-dechant has that authority which was vested in the rural dean at an earlier period of our history.

The gymnasium is the school for classical learning, mathematics, and elementary philosophy; and the popular schools comprehend the establishments of various degrees, in which instruction is imparted of a more practical character, to those whose station in life does not fit them for the study of the learned languages. The lowest of these are the *volks-schulen*, or, as they are often termed, the *trivial* or the *German* schools, established or intended to be established in every district or parish of town or country, for the primary instruction of the lowest orders, in religion and morality, reading, writing, and accounts. In the larger places are also numerous *upper schools*, *haupt-schulen*, wherein a somewhat more extended education is given, for persons designed for the mechanical arts and other similar pursuits. These have an upper class who receive instruction in drawing, elementary geometry, and geography, and with it is combined a normal school for teachers in the volks-schulen. In the larger towns are also commercial academies, termed *real schulen*, in which are comprised two divisions of scholars: the one general, receiving instruction in accounts, geography, and history; the other special, having, in addition thereto, teachers in book-keeping and the principles of trade for mercantile pupils, in natural history and rural economy for those intended for agricultural life, in mathematics, chemistry, and principles of art for students in the higher arts, and in various foreign languages, especially English, French, and Italian,

for those who may desire to receive such instruction. In the *volksschulen* girls are taught, except in rare instances, in separate rooms from the boys; and for the superior instruction of females there are distinct establishments corresponding with the *haupt-schulen* and *real-schulen* of the boys, many of them managed and directed by certain communities of nuns, which are especially preserved for the purposes of education. Industrial schools of various kinds, and for both sexes, are also in some parts combined with these more general educational institutions; but the expenses attending such establishments prevent their being very numerous.

The establishments thus last described constitute the class of *popular* schools. The next above these are the *gymnasial;* of which there are one, or two, or several, in each district, according to the extent of its population. The pupils of the gymnasium are divided into several classes: the earlier ones are taught in religion, moral philosophy, elementary mathematics and physics, and Latin philology. To these subjects are added, for the more advanced classes—partly as perfect courses at the gymnasium, and partly as introductory to the higher instruction in the same branches at the lyceum or university—general history (and especially that of Austria), classical literature, Greek philology, æsthetics (namely, rhetoric, poetry, and a knowledge of the fine arts), and the history of philosophy. Above the gymnasium are the eight universities of Prague, Vienna,

Padua, Pavia, Lemberg, Grätz, Olmutz, and Inspruck; to which must be added the Hungarian university of Pesth. These are divided into two orders —those of Prague, Vienna, Padua, Pavia, and Pesth, are of the first, having chairs for all the four faculties of theology, law, medicine, and philosophy; the others have a smaller number—as, for instance, Grätz, which has but three, having no professorship of medicine, and Lemberg, which has only two. In further addition, according to circumstances and localities, professorships are established, either at the gymnasium, the lycæum, or the university, in the Italian and Oriental languages, in theoretical agriculture, astronomy, chemistry, mechanics, and other branches of practical science. In most of the provincial capitals, where no university exists (in such towns, for instance, as Linz, Laybach, Klagenfurt, &c.), there is an institution, under the name *Lycæum*, which answers the purpose of a minor university; wherein public courses of lectures are given in some or all of the four faculties, and in other branches of knowledge. The *degree* cannot, indeed, be taken at the lycæum in any of the faculties: but certificates may be there obtained, which are accepted in lieu of those of the universities for a large number of cases where certificates are required: and, for youths who require them not, the education of the lycæum, extending as it does to the highest Greek and Latin classics and natural philosophy, answers every purpose of general education. Of these lycæums there

are, in the empire, twenty-three under Roman Catholic direction; besides eleven Protestant, Lutheran or Calvinist, and one Unitarian. For the instruction of the Hebrew subjects there are gymnasiums and other schools, wherein the same books are read as in the general establishments of the empire, except only that works of Jewish, are substituted for those of Christian, theology. In special branches of knowledge the government establishments are very numerous: medical and surgical academies, clerical academies, polytechnic schools, military institutions in all branches, and a college for the Eastern languages, &c. &c.

The whole of these establishments are organized with a view to their strict uniformity of system, and to their connexion with some one or more of the religious professions recognised by the state. The popular schools are inspected and directed by the parochial incumbent, who, with a view to this duty, is bound to receive instruction, previous to his induction to a benefice, in the system of scholastic management, or, as it is termed in the language of the edicts, the *science of pædagogy*. He is required, at least twice in every week, at certain fixed hours, to examine and catechise the pupils, and to impart to them religious instruction; the parish or district being obliged to provide him with a carriage for that purpose, when the schools to be visited are distant from his residence. He orders removals from lower to higher classes, and grants those certificates, without

which no pupil can pass from the popular school to the gymnasium. He is bound to render, periodically, statistical and discriminating returns on the state of the schools, both to his spiritual superior and to the kreisampt; to urge on parents the great importance of education to their offspring; and to supply books to those who cannot afford to purchase them, and clothes (so far as the poor-fund or private contributions may enable him to do so) to such as, for want of clothing, are prevented attending the schools. Where children of different creeds are intermixed in one school, religious instruction and catechization is confined to the last hour of the morning and afternoon attendance, during which hour the non-Romanists are dismissed to receive instruction elswhere from their respective pastors; but where the number of non-Romanists is sufficiently great to support a separate school, the minister of that persuasion, whatever it be, is charged exclusively with the same duties as, in the general schools, are imposed on the parish priest. To ministers of all professions an equal recourse is, by the terms of the ordinances, allowed to the aid of the poor-fund and of the grants from the kreisampt. If the schools be too distant or too numerous for the proper supervision of the local minister, a separate instructor is named by the bishop; or, if the school be Protestant, by the provincial superintendent; and, for the visitors of all denominations, the ex-

pense of a carriage* is equally borne by the public. Except in the points above enumerated, the parochial minister has no power to act, but only to report: in all those connected with defects or deficiencies of the buildings, he, in conjunction with the civil commissary, reports to the kreisampt; and in those of merely scholastic nature, as well as in the conduct of the teachers, he addresses his remarks to the inspector of the district.

The teachers at all the popular schools are required to produce testimonials from the normal school at which they have been instructed, and receive their appointment from the diocesan consistory, or from the provincial chief of any special religions for which they may be intended, but require in all cases the confirmation of the landesstelle. They are provided with residences attached to the schools, together with fixed stipends during good health and good conduct, and are allowed superannuation pensions, which, if they shall have served for a period of ten years, are extended to their widows, and to their orphans under fourteen years of age.

Each district has an *aufseer*, or *inspector* (named by the bishop from among the parochial clergy holding benefices therein), who compiles detailed statements on every point connected with education, for

* This may appear a trifling observation, but it exemplifies the footing of equality on which the members of different religious professions are placed by law.

his spiritual superior, and for the kreisampt. Once a year he makes a tour of personal inspection, examines the pupils, distributes rewards to the best scholars, and supervises alike both the ministry and the teachers; most especially enforcing the rule, that those books only shall be used, and those instructions only be given, which have been commanded by imperial edict. Above these district-inspectors, each diocese has a higher officer, under the name of *oberaufseer*, or inspector-general, who is named by the crown, and is in most cases a member of the cathedral chapter. His supervision extends not to the *volks-schulen* only, but also to the *real* and the *haupt-schulen;* and for these purposes he is the *district-inspector* for the city of his residence, and the *inspector-general* for the whole diocese. He is the official referee, whose opinion the consistory are bound to demand in every exercise of their educational functions, and by whom they are in fact principally guided; since every matter wherein their sentiments may not agree with his, must be referred to the decision of the landesstelle. He examines and certifies teachers for appointment by the consistory; receives quarterly statements in all details from his subordinate inspectors, and embodies them into general reports for the landesstelle and the crown; finally, as supervisor of spiritual instruction, he examines candidates for orders, and novices for monastic vows, and grants certain testimonials of proficiency which are indispensable for their admis-

sion. To the *episcopal consistories*, headed by the bishop, is committed the general supervision of all the scholastic concerns of the diocese, the regulations of matters of discipline, the communication of instruction, and the investigation of delinquencies. It is a part of their functions to order the erection of schools, to appoint the teachers, to authorise the payment of pensions to teachers in sickness or in age, and to their widows and orphans, when entitled to them; but in these points, as in all others which involve any exercise of real authority, patronage, or influence, their acts are invalid without the confirmation of the landesstelle. For the professors of non-Romanist creeds these respective functions are discharged in their several gradations by officers of their own persuasion. The Protestant *seniors* and *superintendents* are the district-inspectors and the provincial inspectors-general for their respective communities; and the functions of the diocesan consistories are transferred to the central Calvinistic and Lutheran consistories at Vienna.

The schools of higher degree, the Gymnasium, the Lycæum, the theological seminary, and the University, are all, as well as the popular schools, more or less subjected to the supervision of the diocesan and his consistory; but these depend more immediately on the educational board at Vienna. Over each of them presides a director, who is charged with the general management, in point both of discipline and instruction, acting under the orders of the board, or

the edicts of the emperor. The various professors and teachers are all either named or approved by the landesstelle, or the educational board; the same discriminating precautions being adopted as at the popular schools, for the religious instruction of those who profess non-Romish creeds. In every station, and in the various branches of education, the pupils are subjected to half-yearly examinations by authorised visitors; and, from the result of these examinations, as well as from the testimonials which each is bound to produce as to moral conduct, and also as to religious knowledge from the minister of his communion, the director forms the reports which are furnished to the government.

Of the expenses attendant on the department of public education in all its degrees, it is not easy to form an estimate, on account of the variety of sources from which they are defrayed. The "religious fund" has been already mentioned as that from whence the professors at the higher schools are mainly supported; and it is known that the charges on *it* for the *eight universities* are about 55,000*l.* sterling annually—but, in addition to the grants from the religious fund, payments are made also from the episcopal chest; and many teachers as well as pupils at the University, the Lyceum, and the Gymnasium, receive the benefit of specific endowments. There is, besides, a fund in every province termed the "*studien* or *education fund*," arising from the appropriation to it, of numerous endowments for specific foun-

dations which, in common with the monasteries, were "regulated" by Joseph II. The educational, like the religious fund, is properly applicable to the wants of the province in which it exists—and its administration is confided to the landesstelle—but as the local wants are insufficiently supplied from these regular sources, even with the addition of private contributions, it generally occurs that an excess of expenditure is covered by what is termed a *loan* from the exchequer to the fund of education, whereof the repayment is a matter of very dubious contingency. For the erection of *popular* schools, certain rules are laid down which ensure their erection as occasion may require. Although no ordinances compel education, yet the inducements held out to desire it are so great, that for schools of this description there is a constantly increasing demand, partly arising from the people themselves, and partly instigated by the spiritual and civil authorities; and, indeed, so urgent have of late years been applications to this effect, that it has become a usual, although not universal practice, to require of the parishioners, or the inhabitants of the district petitioning, that they shall bind themselves by voluntary assessment to bear the whole or a portion of the attendant expenses. After the locality has been fixed by the aufseer and the kreisampt, it depends on the landesstelle to issue the decree that the school be built; and, this being done, the law then provides for its gratuitous erection and completion. The lord of the soil is bound to grant

the land and the materials; the inhabitants of the district to supply the labour; and the patron of the parochial benefice, the internal fittings-up; all subsequent repairs, as well as the hiring of buildings for temporary accommodation, being a charge on these three parties jointly. On large feudal domains, the lord of the soil being also probably the proprietor of the township or village, and perhaps the patron of the parish, he usually erects and supports the schools at his own expense: but these are, equally with every other, under the general laws of supervision and instruction; although it is obvious that in such cases the management of the schools, as well as the attendance of pupils, must mainly depend on the character and conduct of the feudal agents.

Notwithstanding, however, these ample provisions for general education, it will be readily conceived, that in a country where certain classes possess large pecuniary means, and high aristocratic feelings, instruction cannot be absolutely confined to public institutions. In Vienna and other cities many academic establishments of a superior order exist, endowed in the manner of our public schools; and in these, or in the schools of the monasteries before mentioned, wherein boarders are permitted to be received, or, finally, under private tutors in their own families, a large portion of the higher classes receive their education. All the instructors, whether purely domestic or employed in the schools, must have the govern-

ment authorization to teach;* and some few endowed schools have special visitors, whose certificates answer the purpose, as the case may be, of those granted by the German schools, the upper schools, or the gymnasiums; but no youth can enter the gymnasium or university from domestic tuition, without also undergoing a previous special examination. It is not very usual for the heirs of the highest families to go to the universities at all. Younger sons frequently do so, although many enter themselves for mere formality, and do not attend lectures; but in such case they can obtain no certificates, and are consequently debarred from all offices in the civil government. Neither are *private academies* wholly excluded: but they have been always objects of royal disfavour; and so lately as in the year 1834, an ordinance was issued, enforcing and extending the severe regulations under which alone they are permitted to exist. Those in which gymnasial instruction, or, in other words, classics and mathematics are taught, may be established only in the capital city of each province; and with the licence of the landesstelle, to whom the head-master must produce the regularly prescribed

* The canons of the church of England, passed in the reign of James I., contain an enactment, that "no man shall teach either in public school or private house, but such as shall be allowed by the bishop of the diocese or ordinary of the place, under his hand and seal." Although these canons, never having been sanctioned by parliament, have no legal force on the laity, still they exhibit the views of the great body by whom they were framed, and of the sovereign by whom they were promulgated.

testimonials as to literary acquirements, the science of pædagogy, and moral conduct. The plan and regulations of the school, reduced to writing, and from which no deviation can be afterwards made, must be approved by the civil authorities: the church or churches specified which the pupils shall attend, and in which it is especially enjoined that at a proper age they periodically receive the holy sacrament: and the instruction must be in every point conformable to that of the gymnasium, divided into similar courses, and subject to similar examinations by authorised public functionaries. So connected indeed are these private academies with the general system of public education, that monthly and quarterly returns of the name, the age, and the conduct of every pupil are made to the prefect of the gymnasium; to whom also are remitted the certificates of proficiency, signed by the public inspectors at the half-yearly examinations.

To the reign of the late Emperor Francis belongs the principal organization of the existing system, the foundations of which were laid in the earliest years of his reign (perhaps partially in that of his predecessor), and the superstructure raised and moulded by a great variety of subsequent edicts. Its progress has encountered difficulties in various quarters. In Hungary it is opposed, avowedly on principle, by a most influential section of the liberal party in the diet, who fear that popular education would be a source of danger to property, if unaccompanied with a greater extension of civil rights—which, however,

they themselves have hitherto felt it inexpedient to accord. In Gallicia, both the lords and the peasants retain too much of the Polish character, to regard with any degree of complacency that extension of instruction, of which they have never been taught to estimate the value; and on the feudal properties even of Moravia and Bohemia, if the lords are needy and careless, it is not always easy to urge on them and their agents the expediency of erecting schools, to the expenses of which they must themselves be the main contributors. To surmount these various obstacles, whether arising from indifference in the lower classes or repugnance in the higher, the government adopts, as usual, a gradual and cautious, but most persevering policy; often yielding for a time, but generally triumphant in the end. Abstaining from absolute compulsion, the main inducement it holds out for all classes to accept the boon of instruction, is its general enactment, that, without certificates of adequate education proportionate to his station, no one may exercise a trade, or be received as a common workman:* no one can be employed by the state; or can even enter the bands of matrimony—a species of penalty apparently of very doubtful morality, but which, in fact, like all sweeping enactments of the same character, must, in the nature of things, be incapable of strict enforcement. The enactment operates

* The proprietor of one of the largest manufactories in Bohemia told me he had been subjected to a fine for employing a workman not provided with the requisite certificates of education.

perhaps in the feudal provinces, less on the bulk of the people, than on the wealthy but reluctant landlords; as the former receive, where no schools exist, a sort of dispensing certificate from the parochial minister, who is at all events bound to impart religious instruction; while the manorial lord, besides being ultimately compelled to yield the point, is, in the interim, generally obliged in practice, to the support of that pauper population, whom he will not consent to educate. Thus every year witnesses a decided progress; and so far has the system already succeeded, that, with the exception of Hungary, whence no returns are made, and where education is very loosely and inadequately attended to, above three-fifths of the juvenile population of the empire do actually receive scholastic instruction. According to official reports, there are in Transylvania, 52,698 children attending school, out of 64,227 capable of doing so: in the Military Frontier, only 60,878 out of 124,778; and in the entire residue of the empire, German and Italian, but always exclusive of Hungary, 1,536,104 out of 2,529,171. It appears, moreover, that, on the whole, a larger portion of boys go to school than of girls, as may be seen from the following analysis of the two last numbers given above, viz.:—

In the whole empire, exclusive of Hungary, Transylvania and the military frontier—

Capable of going to school	males,	1,307,777
,, ,, ,,	females,	1,221,394
		2,529,171

Actually going to school	males,	874,720
,, ,, ,,	females,	661,384
		1,536,104

It has been stated, that although the course of education is mainly gratuitous, yet a small sum, amounting to 12 florins at the gymnasium, and from 18 to 30 florins at the universities, is paid by all who have not certificates of poverty, towards a fund for the grant of stipends to poor students; and this system of *poor students* is so remarkable a feature in the general education of Germany, that I shall venture on a short digression from the immediate object of the Austrian system, in order to offer a few remarks on its peculiar character and bearings. In our sizars and commoners of Cambridge and Oxford, we have a class of youths something similar to them in general position; but with us they are confined to particular colleges, and, as regards the general body, are small and uninfluential in number. In the older universities of Germany, on the contrary, (for the case is different with those of more recent origin,) they form a large proportion; and at Jena are actually two-thirds of the entire number of pupils. The endowments of which they have the benefit, originating partly in the munificence of sovereigns prelates and feudal lords, and partly in the charitable bequests and donations of private individuals, vary much in amount, and likewise in their mode of application. In some cases, the admissions are con-

fined to individuals born in a particular town or district, and in others they require, in a certain proportion, the application to some particular course of studies, clerical, legal, or medical. In some places the students are lodged in common halls, and eat at common tables termed *convicten* (*convictus*) ; while in others, the aggregate receipts of the endowments form a fund, from which each recipient has a fixed monthly stipend.

In this, as in the majority of human institutions, we may trace considerable good and evil intermixed; and it will be a matter of diverse opinion, which of the two preponderates. On the one hand it must be gratifying to the feelings of the philanthropist, that education of the highest order which the state affords, is open alike to the humble and the great—that the son of the poorest parents, on receiving the certificate of poverty and morality from the minister of the parish, and perhaps the civil superintendent of the district, may, in so far as the funds of each endowment will extend, be freely boarded and lodged, while he participates in the general instruction. On the other, experience has shown that, as regards this system in the *universities* (for the effect is less striking at the gymnasiums), the good is by no means unalloyed by evil; perhaps, in some respects, overborne by it. The professors of German universities out of Austria, receiving generally very small fixed allowances, or possibly none at all, derive their principal income from the pupils who attend their

private lectures. In proportion as the poor students abound, these private pupils will be rare; and in the same ratio will the general character of the education be inferior. In all of the universities *some* professors of the highest order of talent and acquirement may be found: but these eminent men depend rather on profits derived from the books they publish, than from the personal instruction they impart; and even this instruction they divide into three classes instead of two, the public, the private, and the very private (*lectiones publicæ, privatæ, et privatissimæ*); which last, attended by few pupils, are far more elaborate and proportionably more profitable than the others. As the absence of international differences enables the professors to remove from one university to another (excepting always those of Prussia and Austria) with entire facility, it is a natural consequence that the greatest talent should resort to those places, where it has the prospect of being best requited; while the communities abounding "in poor students" are left to an inferior grade of instruction, and are too apt to acquire that low and restless tone of general character, combined with factious political spirit, which has been generally represented as existing at the German universities. However sentiments may differ as to the advantage or disadvantage of hereditary station or accumulated wealth, it will hardly be denied, that those who have the greatest stake in any existing order of things, are the least likely to attempt its subversion; and also, that

where alterations and innovations are required, it is not to the rash theoretical judgment of college youth that such should be confided. My own opinion of the German students is far more favourable than that which many writers have expressed. I believe them, generally, to be hardworking and persevering in their pursuit of knowledge. If their evenings are given sometimes to those inelegant indulgences in beer and tobacco, which justly shock the more refined tastes of English gentlemen, it must be remembered that the whole of the day has been a period of abstinence, temperance, and labour; that from its dawn to its close they have been engaged in a perpetual series of studies, taking a cup of coffee and a roll of bread for their morning meal, and at noon, or one o'clock, sparing a few minutes only for a very slight dinner, if dinner it can be called, with water only for their beverage. That very exaltation of character which has led to the most dangerous political crimes, and has not scrupled at murder itself as a means of fancied public regeneration, has been founded on exaggerated views of Roman and Spartan virtue, rather than on the theories of modern philosophists. It has been so accompanied, too, with a moral self-command, a sort of heroic control over the frailer feelings and propensities of our nature, a total degeneration of self and selfishness, as almost to excite our sympathy for the individual, while we stand aghast at the atrocious character of his daring; and further, whatever may have been the wild theo-

ries of the student, we observe him, at the close of his academic career, generally falling into the common pursuits of life, with the usual order and regularity of his nation. Still, truth requires the admission, that a dangerous spirit of mysticism in politics and religion, a habit of self-judgment defying authority and precedent, a contempt of established rule, and an assumption of coarse noisy and arrogant demeanour, prevail at most of the German universities out of Austria, to a greater or less extent; and wherever the proportion of poor students is the largest, there may these defects be said to be the most observable.

Reverting now to our more immediate subject, we find in Austria an extreme desire on the part of the government for the education of the poor; but an education conducted on such principles, as to create contentment and well-being in their actual condition, and to discourage a restless aspiring desire to originate alterations. Hence there is an evident indisposition to favour the poor student system as it exists elsewhere in Germany. When Joseph II. reformed the monastic establishments, he swept away also many of those endowments of collegiate bodies, which were intended solely for the benefit of poor students; pouring their revenues, in common with those of the suppressed religious houses, into either the "religious" or the "educational fund." Where charity had been the motive of the endowment, and mere poverty the qualification, he may have argued that it

was no undue interference with the intentions of the founders, thus to extend or to regulate the sphere of application; but those foundations and endowments wherein the bequests were more specific, or admission to the benefit of the funds rested at all events on some other qualification superadded to poverty, or altogether independent of it, he preserved inviolate as they now exist. Of this description, there are colleges for students in theology, wherein the pupils, nominated by the crown, the local government, the prelate of the diocese, &c. are boarded and lodged gratuitously, while they attend the courses of the gymnasium and the university. There are numerous private endowments under the administration of trustees, from which, as is so frequently with us, "founders' kin," or persons born in particular places, receive annual stipends. There is a college at Prague for the gratuitous boarding and lodging of between forty and fifty students, selected by their merit on public examination, from candidates appointed by the Stände (the provincial parliament) of Bohemia; and another at Vienna, for youths, part of whom are placed therein on private foundation scholarships, and part are selected for merit on examination by officers of the crown. It is not that in these institutions, or in the grants of stipends at the universities, the appeal of poverty is disregarded; but the distinction between the system of Austria and that of the generality of Germany consists mainly in this—that in the Austrian establishments certificates

of poverty and morality do not suffice *alone*. The presentations in the gift by public bodies or private individuals are valid only when the object of them produces adequate testimonials; and those which belong to the crown are usually granted to the most deserving among candidates publicly examined. The same principle regulates the application of the fund, formed by annual contributions from all the students not themselves provided with poverty certificates, in the universities and gymnasiums. The stipends from it are paid indeed to the poor scholars; but in order to obtain them, the candidates possessed of certificates of poverty must submit to a special examination, and the benefit of the fund is then awarded amongst them according to superior merit. The precise proportion of these stipendiaries can hardly be ascertained without a personal investigation at each establishment, owing to the habit, loosely admitted in the official returns, of sometimes uniting together the universities with their subordinate gymnasiums wherein stipends are also accorded, and sometimes of confining the returns to the universities alone: but the aggregate number is far from great. At Vienna there are 274, where the under graduates at the universities amount to nearly 2000; and at Prague 62, where the under graduates are 1700. There are 26 stipendiaries only reported at Pavia, 33 at Limberg, 81 at Grätz, 45 at Innopuck, and 112 at Olmutz, none at Padua, and it may be added 30 at the Protestant institution in Vienna, where the whole number

of pupils is only 49. Thus, exclusive of Pesth whence there are no returns, and of the Protestant college, six hundred and forty appears to be the entire number of stipendiary pupils.*

Such is the machinery of this grand educational system; the philosophy of which aims at the fusion of the rulers with the ruled, into a general harmony of sentiment and affections,—the formation of an orderly, contented, and happy people. The universities exhibit a striking contrast with those of the rest of Germany. In them are no drunken brawls;—scarcely any duels;—no troops of students straggling six abreast through the streets with lengthy pipes in their mouths, and fumes of beer in their heads;—no popular professor descending at midnight to the street, humbly to thank the spirited youths for the compliment of their noisy serenade. The academic discipline was formerly intrusted to a Senatus Academicus; but this has

* An official return states 45,398 fl. as the aggregate amount of the stipendiary fund in the eight universities; but, without doubting the accuracy of the figures, I have not confidence in it as a statement of fact. Taking the average amount of payments at 20 florins, we should infer from it, that the eight universities contained only 2269 pupils not furnished with poverty certificates. This is absurd. The attempt at over-accuracy in statistical returns continually defeats itself; and my impression is, that in the very numerous and complicated returns made to the Austrian government, the same expressions are sometimes used with such discordance of signification, as to lead to results very remote from fact.

long since ceased to be the case, save as regards infractions of mere college rule, for the cognizance of which the professors still meet and inflict punishment; but in all that respects public order, the students, like every other person, are subjected to the general control of the imperial police. Some years since, a slight attempt was made to introduce the Burschenschaft Society among the youths of Prague, but it was at once put down. Those suspected of being implicated were, if foreigners (as most of them were), sent immediately beyond the frontier. The native pupils were merely admonished, and imprisoned for a fortnight; and no attempt to establish secret societies has, as is believed, ever since been made. The teachers are under as close a supervision as the pupils. An eminent professor at Prague, gave, not long since, an explanation of a passage in scripture which was not deemed perfectly orthodox, and he was thereupon summarily dismissed; and, about the same period, one at Vienna met a similar fate. Up to these highest academies, from the lowest popular schools, the whole is a connected gradation of classes. The pupils in each are subjected to half-yearly examination, and are removed to higher classes or to higher schools, according to the testimonials of the examiners, and the discretion of the director. The parochial ministers alone can authorize the advance from the popular school to the gymnasium; the gymnasial director, that from the gymnasium to the university; and, without testimonials from these establishments respectively,

according to the degree of instruction required, no one can be employed in the civil service of the state, or of any municipal body. The books themselves, as well as the teachers by whom they are expounded, being all under the direction and control of the government, an essential uniformity of character is produced; since education can never differ in quality, but only in extent. Whether it attain its highest range in the universities or be confined to the village schools, whether it be public or domestic, clerical or lay, obtained in a monastery, the polytechnic school, or the military academy, the same principles of order, contentment, and submission to authority in church and state, are everywhere instilled; and as that authority is leniently and paternally exerted, these principles, thus early implanted, are rarely afterwards disturbed. Even variation of religion creates, in this respect, no variation of feeling. The same instruction is given in Protestant as in Catholic seminaries, excepting only in matters of religion; and on these, no books may contain hostile remarks on the tenets of any other sect, and no controversial discussion or lectures are permitted in the pulpit or the schools.

On the intellectual faculties, the effect of the whole system,—the continuance for fixed periods at fixed studies,—and the perusal of the same books, under all varieties of circumstances, must necessarily be of an equalizing, not an exciting character. In proscribing the wild vagaries so often encouraged in other states, it may tend not unfrequently to cramp the force of

genius into a sort of stunted uniformity: but this is not inconsistent with the genius of a philosophy, which aims at training the child for contentment in the path of life wherein Providence placed it; and represses all that may tend to disturb, even by the force of intellectual energies, that general tranquillity which it conceives to form the greatest happiness of the greatest number. Thus, when the government perceived that the facility of education tended to the excitement of an unsafe ambition, and that the sons of small traders and mechanics were crowding from the lower schools to the gymnasium, edicts were issued rendering the preliminary examinations more severe; and the functionaries, whose licences are requisite for all scholastic movements, were commanded to restrain the children of every class, to the places of instruction best suited to their respective stations, with the exception only of those in whom some peculiar talent might be observed.

The *political* consequences of the educational system will be more particularly noticed in a future chapter, wherein it will be seen that the state admits none to its service but those whom it has trained; and that its strength consists in the uniformity of public sentiment, and in the exercise of those affections which its benevolence has conciliated. The subject may be here concluded with a few remarks on its results in the formation of *private* character. It has been seen that the great aim of the government is to extend education as far as possible to all

classes of its subjects; but to do so in such a manner as to lead to a peculiar formation of mind—a formation which shall render them contented and useful in their respective stations, and repel the ambition of rising above them. The result corresponds with the intention. Where the mere wants of nature are supplied, (and this, except on bare limestone rocks, is almost invariably the case, either from the wages of industry, or from public or private benevolence,) no people on earth are so happy in themselves as the Austrians,—no people are more attached to their existing institutions,—more mild and kindly in their dispositions towards others,—more free from harsh and malignant passions. Patient, docile, and obedient, they are faithful subjects, soldiers, and servants. Tranquil and enjoying, they are benevolent superiors, landlords, and masters. Simple-minded in the belief of their own religion, whatsoever it be, and preserved by the strong hand of government from ever hearing controversial discussion, they are tolerant and indifferent as to the creeds of others. Well instructed in practical science, they are excellent military and civil engineers and artificers; and as good general mechanicians and manufacturers as the rest of the Germans. On the other hand, without being indolent, they are careless and unenergetic in their general pursuits—regardless of the value of time—and without that ambition to excel, which brings enterprise to perfection. Their classical acquirements, even at their principal universities, are

rarely adequate to render them able critics or profound scholars. Their easiness of temper produces, in certain respects, a somewhat lax and indulgent morality; and, in point of daring original genius, it is rare to see a work of literature, art, or science, proceed from an Austrian.*

* These observations must be understood as applicable to the German provinces, where the control of education, and the formation of the public mind, are wholly in the hands of the government. In Hungary the qualities of character are essentially different, and the same may be said of the Italian provinces.

CHAPTER VI.

CRIMINAL JURISPRUDENCE.—State of Criminal Law a general Evidence of social Character—Austrian Code—Its mild genius —Crimes, their classification and punishment—Misdemeanors, ditto—Constitution and gradation of Tribunals—Nature of proceedings, appeals, and supervisions—Rules of Evidence, and privilege of Relations—Standrecht, or Martial Law—Power given to Heads of Families—Moral Discipline—Indulgent genius of the System, and its great Peculiarities—Quantum of Crime in different Provinces, and remarks thereon—Concluding Observations on the whole subject.

Two great elements in the formation of national character have been considered—the state of the law in regard to property of every kind, and the system of public and private education. A third remains to be noticed; less influential indeed than either of the former, as a creator of character, but one, as far as it goes, so important in itself, that without a fair view of its general bearings, we may seek in vain to form a just estimate of the condition of a people. This is the nature and administration of criminal jurisprudence. Between laws passed for the regulation of property, and those enacted for the punishment or repression of crime, it may not be very incorrect to draw this distinction. The *former* regulating the

springs and the rewards of industry, the every day dealings between man and man, all the rights or disabilities of acquisition and possession, affect the pursuits and the habits of every individual; and are thus directly operative in the *creation* of the social character. The latter, modelled with a view to exceptive cases (for such must criminal delinquencies be regarded with reference to society at large), are more immediately the *result* of the social character as it already exists. Of any written code formed by human jurists, as of those of France or Austria, we cannot affirm (as has been perhaps somewhat too partially done of the unwritten law of England), that it is the application of abstract theoretical wisdom. A national code will, to a certain degree, adopt or be founded on principles; but its enactments will be modified and adapted, according to the experience possessed by the legislator, of the character, the tendencies, and the exigencies of the people, for whom it is formed. The decrees of Draco, which awarded death as the only punishment for all offences, form the surest evidence of that ferocious democratic licentiousness, which the dread of immediate capital punishment could alone subdue; and which it was necessary first to crush, before the milder legislation of Solon could be safely adopted. The pecuniary commutation allowed for every crime by the legislatures of the early Germanic tribes, testifies of nations among whom money was scarcely known, and the possession of surplus wealth limited to a number of

individuals, too small to endanger, by their privilege, the public interest.* Were other evidence wanting, we might infer the absence of education in England during the earlier periods of our history, from that "benefit of clergy," which protected from severer punishments all who could read and write: and on similar grounds we may estimate the genius and tendencies of the Austrian character, from the provisions and peculiarities of a criminal and correctional administration, unequalled in mildness, as to the principal points of its actual working, by that of any country in Europe.

The code actually in force through the whole of the empire, with the exception of Hungary, Transylvania, and the Italian provinces, was promulgated by the late Emperor Francis in the year 1804. It divides offences into the two great classes—"*verbrechen*," and "*schwere polizei übertretungen*;" the nature of which, although the translation be not strictly exact, will be sufficiently comprehended under the English terms of *crimes* and *misdemeanors*. After a strict specification of the circumstances which place an offence under the one or the other of their general heads, the code proceeds to describe the forms of procedure, the rules of evidence, the rights of appeal, the mode and extent of punishment, and the

* The *causes*, or *principles*, which produced these codes, or acts of legislation, are quite distinct from the *evidence* they afford, of the *condition* and *character* of the people. It is with a view to the latter only that they are here referred to.

regulations to be adopted in the internal discipline of prisons. On all these points an attempt of extreme precision is evinced, which, as must ever occur in criminal laws applied to the ever varying degrees of human fault, are subsequently mitigated and modified according to the circumstances of the case. In some points, an apparent severity of punishment is denounced against delinquencies, which, on a survey of the modes of procedure, we find can be scarcely ever substantiated. In others, a remarkable indulgence is extended to offences which in England would be visited with extreme severity, provided only their commission be not attended with *public* disorder. It will be most convenient, however, to take a summary view of the law itself, before we offer the remarks it suggests on the character of the government and the people.

Crimes are offences of a certain magnitude committed with malice direct or implied. They are punished with death, or by imprisonment for life, or for a period varying from six months to twenty years; and the severity of the imprisonment may be aggravated, according to the sentence, by hard labour, by diminution of food, by public exposure, and by bodily castigation* not exceeding fifty stripes at each infliction.

* Bodily castigation is admitted as an aggravation of punishment on both sexes. On male adults it is applied with a stick: on females, and youths under eighteen, with a flexible rod; but, as regards these, generally without removal of the garments.

Misdemeanors are faults of a minor grade, or unaccompanied with malice. They are punished by fines; by confiscation of effects; by imprisonment, not exceeding six months in duration; by flogging to the extent at each time of five and twenty blows; and by exile from a particular place or district, or generally from the empire. Distinct tribunals exist for the trial of crimes and of misdemeanors, and, also, generally speaking, distinct prisons for the respective convicts, subject to the different rules of discipline. Corporal punishment is inflicted privately; and in many cases of misdemeanor, especially those committed by youths, domestic imprisonment on parole, or with a special guardian, is substituted for confinement within the walls of a prison.

Capital punishment is assigned for three offences only; namely, high treason, murder, and the forgery of current paper money issued either by the government or by the bank of Vienna. *High treason* is confined to attempts against the person of the sovereign; the aiding and abetting of dangerous designs from foreign enemies; and the endeavour by force to alter the existing institutions. Any preparatory act, or consultation towards an act, suffices to constitute the capital crime; and the knowledge of a treasonable conspiracy, without communication to the government, or the power to prevent a treasonable act without such power being exerted, are punishable with imprisonment for life. *Murder* is a capital offence, when it is committed with intention to kill;

or when death is the result of robbery committed with violence, or of arson effected by conspiracy. Except in these cases, the highest punishment of homicide is twenty years' imprisonment; and an especial exception is made in favour of infanticide, the mother being subjected to an imprisonment of from five to ten years, if the child be illegitimate, and of double that period if it be born in wedlock. *Forgery* is capitally punished only when committed in the falsification of government or bank paper: but utterers of the forged notes are included in the capital crime, as are also all accomplices of the forgery, even although the act itself be yet incomplete—a degree of severity the more remarkable, as the falsification of coined money is only punished with imprisonment for a term of years.

For all other acts which enter into the class of *crimes*, the awarded punishment is imprisonment, rendered more or less severe by fetters, hard labour, and other accessaries, the maximum and the minimum of which is in every case specified by the code; it being left to the court to apply such a portion of castigation between the two extremes, as may seem to meet the justice of the case. Among the delinquencies thus punished, are infanticide, coining, bigamy, simple arson, some cases of homicide which do not amount to the capital offence, and severe injuries done to the person by premeditated violence. Duelling is a crime both in principals and seconds, punished on the surviving actual combatant, if death

ensues, with twenty years' imprisonment in irons; and with imprisonment of greater or less duration and severity on all the parties, in every other case. Depredations on property are crime when the amount abstracted exceeds ten florins (twenty shillings sterling) in value, or, however small the amount, when connected with sacrilege. They become *crime* also, where the value is above two florins only, when the theft is committed by servants or labourers against their masters, or by two or more persons in confederacy; when the property is taken from an enclosed place; when it consists of the produce of the soil, or agricultural implements, taken from an open field; of fish taken from a reservoir; or of game taken anywhere. Thus the legislation of Austria has been compelled to follow that of every other country, in modelling her laws for the security of property, rather on the experienced exigencies of society, than on the moral turpitude of the offence. Robberies are held to be crimes, or, as we should say, felonies, in contradistinction to misdemeanors, if committed on property in an inclosure, because adequate care has there been taken for its protection; and the act itself proves the preconceived malicious intention of the offender. They are visited with equal severity if committed in the open field, on the opposite principle, that there the property cannot be secured by the caution of the owner, and must therefore be protected by the fear of severer punishment.* In one point the

* In no country of Europe is this difficulty of reconciling jus-

Austrian Code proceeds on a very sound principle. All offences against property which are in the nature of misdemeanors, become crimes on the second indictment.

The class of *misdemeanors* comprehend all offences, (with the exception of those of the most trivial character) which do not amount to crime. To attempt their specific enumeration, would be a work of tedious and unprofitable labour; but still their importance in the elucidation of national character renders it desirable to present a short summary of their principal heads. It is so much the tendency and the policy of the Austrian legal administration, to reduce the generality of delinquencies to the minor from the

tice with expediency so much evinced as in England. During the last quarter of a century scarcely any two years have passed, without some new enactments touching robberies committed in out-houses, or gardens, or orchards, or forests, or fields, alternately raising the offences to capital felonies, and again depressing them to mere misdemeanors. Jurists indeed are not wanting, who assert the maxim, that in proportion as property is of necessity exposed, so must be the severity of the law for its protection: a maxim probably enforced by the wants of proprietors and the constitution of society, but surely at variance with those principles of morality which should mitigate the chastisement in proportion to the temptation. He must be a very one-sided moralist who can view an equal degree of turpitude in the peasant who, on traversing a field, sees a lamb by the wayside and carries it to his home; and the burglar who, with fraud and force, breaks into a dwelling. Yet, as the law of England was often practised until very recent years, the latter would have had a better chance of escaping the gallows, even than the former.

major class, that the laws of misdemeanor are in many respects far more important than those of crime, in their bearing on the social conduct of the people. They may be most convêniently stated, as they regard the following objects; and with respect to some among them I shall notice the legal punishment where it may appear interesting to do so; leaving it to be understood, in regard to the rest, that the offenders may be visited with fine, or with imprisonment from a few days to six months, with or without fetters, hard labour, and bodily castigation.

1. *Misdemeanors against the State.*—Under this head are tumultuous and riotous assemblages. The holding of secret societies, which is punished with sentence of imprisonment in irons for three days to six months on the founders of the society, and from one to three months on each member, and on the owner of the house of meeting. Breaches of the regulations set forth by the executive authority touching the press; such as the publication or circulation of books and printed papers unsanctioned by the censors; similarly punished with imprisonment in irons.

2. *Misdemeanors against public order and safety.*—Injuries done to public monuments and objects. Neglect of householders and innkeepers, in not reporting to the police their lodgers and inmates,—punished with fine; and on repetition of offence by innkeepers, by withdrawal of license. The making of *false* returns by innkeepers or householders,—imprisonment in irons. Neglect of traders in admitting journeymen

into their employ without certificates of good conduct, &c. from the police of their district;—fine, and on third offence imprisonment. The gilding, plating, or falsification of current coin,—one to three months' imprisonment in irons; and the unlawful possession of implements of falsification,—imprisonment, on first offence, from one to four weeks. Postmasters, within four relays from any provincial capital, granting post-horses to travellers who have arrived not in post nor with the usual post-office order, before the expiration of forty-eight hours from the time of their arrival,—are fined. The sale of unwholesome food, and the adulteration of liquors,—fine and imprisonment. Over-driving, and other acts calculated to endanger passengers in the streets and public places. Strict and precise enactments are made, accompanied with severe punishment for their infraction, against masters, servants, architects, and others; in all that regards danger from fire, the wrong construction and overheating of stoves, the carrying lighted coals into closed rooms, or torches through woods, &c. Combinations of workmen are regarded as misdemeanors, but punished very slightly.

3. *Misdemeanors against private property and safety.*—Thefts not of such character, either in point of value or circumstance, as to enter the class of crimes. The purchase of suspicious articles from minors. Usury is punished as misdemeanor under specific separate enactments, connected with, or contained in, the commercial code.

4. *Misdemeanors against the person and reputation of individuals.*—Common assaults. Excessive punishment of children and dependents by their parents or lawful superiors. Concealment of illegitimate births,—three months' imprisonment with hard labour. The careless exposure of children in circumstances whence death or injury accidentally ensue,—imprisonment for three months, with or without irons, inflicted on the *parents*. The severest punishments of which misdemeanor is susceptible, are awarded for defamation committed by word, writing, or even gesture; including every kind of action whereby the feelings or comfort of individuals may be disturbed: for the betrayal of professional confidence by medical practitioners; and also for the professional delinquencies of physicians, surgeons, and apothecaries; such as culpable neglect or ignorance, the practising without diploma, error, however unintentional, in the preparation or administration of medicines, and the sale or even the possession of those drugs which in the ordinances are enumerated as "poison," without special licence for that purpose.

5. *Misdemeanors against Public Morality.*—Mendicancy is a misdemeanor only when repeatedly and obstinately practised, against those rules which the local authorities of each place have the power to impose; or when accompanied by the exposure of unsightly deformities in order to excite compassion. The mendicancy of children is punished on their parents, with imprisonment from eight days to a

month. Gambling, or the practice of forbidden games, subjects all persons engaging in them, or permitting them in his house, to a penalty of 900 florins (90*l.* sterling) or imprisonment in irons from one to three months; and in cases of foreigners, to exile from the empire. Drunkenness is not in itself a misdemeanor, except in the case of workmen and others employed on roofs or scaffoldings; of servants entrusted with the charge of fire; and of domestics generally, when the habit has become *eingealteter* (inveterate), and as such, is legally denounced by complaint of their masters. It may then be punished on the first complaint, with five-and-twenty stripes, and, on a subsequent charge, with imprisonment in irons from eight days to a month; accompanied with hard labour and low diet. In all other cases, drunkenness is punished only when, under its influence, an offence is committed, which, but for the intoxication of the perpetrator, would have amounted to crime. It is then visited with imprisonment in irons, for one to three months, which is doubled when experience had taught the offender, that, under the influence of liquor he was not master of his own actions. Of misdemeanors, connected with *personal incontinence*, I abstain from entering into a minute specification; but the remarks I shall offer in regard to them in a future part of this chapter, will suffice to indicate their character, and the peculiar indulgence with which they are regarded.

Scarcely less important than the actual provisions

of penal law, is the mode of procedure by which they are applied; and of this I feel it expedient, even at the risk of being deemed somewhat tedious, to trace the principal points, before I can venture to suggest any general conclusions.

In every inhabited place, great or small, the conservation of public order is confided to certain authorities; appointed, according to local circumstances, either by the inhabitants at large, by the manorial lords, by the crown, or finally, in cities and more considerable towns, under the provisions of their respective charters. The power of primary investigation inherent in these local functionaries, extends to all delinquencies; but beyond this, the procedures for crime and for misdemeanor are through gradations of perfectly distinct tribunals, of which I shall now attempt to give a brief notice. First, as to the former, —namely, the process in matter of *crime*. In each *district* is a criminal tribunal (kriminal gericht;) in each *province* is a superior criminal tribunal (oberste kriminal gericht); and above the whole, is the supreme court (hof gericht), at Vienna. In the ordinary course, except where the accused has, from birth or station, the privilege of being heard at once by the district tribunal, the preliminary inquiries take place before the local authorities; which, for this purpose, constitute a court, consisting of a magistrate, with two sworn assessors, taken from among the more respectable inhabitants. The decision of the majority of these three, either summarily dismisses the case or

remits it for trial to the district tribunal; the prisoner being, in the meantime, either confined or admitted to bail, according to circumstances. The district tribunal consists of a judge, and of a certain number of sworn assessors, whose functions may be somewhat compared to those of a jury, since by the majority of their opinions the case is decided. All the testimony, in every stage of an Austrian process, is taken apart from the prisoner; either in writing, or, if orally, then immediately committed to writing, signed by the witness, and confirmed by his oath. There are persons, however, from whom the oath cannot be taken; and their testimony consequently, although admitted in corroboration, according to the credit it may seem to merit, has not of course the weight of sworn evidence. These are all persons under fourteen years of age; accomplices, or suspected accomplices; persons living in notorious hostility to the accused; and such as are under examination or punishment for another offence. No one can, in his testimony against another, be required to answer questions which would criminate himself: the evidence of persons under legal disabilities is invalid: but, more important than all the above together, in favour of the prisoner, is the provision, that not only husband and wife, but all relations in the direct ascending and descending lines, brothers and sisters, nephews and nieces, are excused respectively from giving any evidence whatever, sworn or unsworn. They may be asked to depose: but if the protocols of the proce-

dure do not contain the recital, signed by themselves, that they have been fully warned of their privilege, their testimony is expunged. Cases of high treason form the sole exception; and that only to this extent: a relative may therein be compelled to depose, in confirmation of a fact otherwise partially established; but even for this most grave of all crimes in the penal code of every country, a criminal cannot be capitally executed, on circumstantial evidence confirmed by the direct testimony of relatives only. From the depositions legally taken, as well as from the reports of the preliminary investigation, it becomes the duty of an officer of the court to draw up a statement in every criminal case, embodying the evidence, and propounding a string of written interrogatories to be put to the prisoner. These preparatory steps having been completed, the court assemble, and the prisoner is introduced. The proceeding is theoretically private; but it is not so in fact, since all students at law and various other persons have the privilege of attending (a privilege largely exercised in every interesting case), and of taking notes, which, however, they are not permitted to publish. The prisoner is not allowed the aid of legal assistance; but, on the other hand, he is protected from much of the embarrassment incidental to oral examination, by the strict rule that those queries only can be put, which have been previously written down, and they must be propounded in the order in which they stand upon the paper. If motive for further query arises from the replies of the pri-

soner (all of which are committed to paper), new interrogatories must be prepared, which must be answered at a future audience,—the prisoner being always at liberty to append to his replies such observations and explanations as he thinks proper; but, in case of obstinate refusal to reply, then he is committed to hard labour and severe abstinence in prison, until, on his own request and promise to answer, he is again brought up before the court. In the general conduct of a criminal case, we observe a somewhat amusing struggle to combine the principles of the old Roman law, on which the greater part of continental jurisprudence is founded, with the more enlightened practice of modern legislation. Under the Roman law, no person could be sentenced for the higher class of crimes but on his own confession; and hence, from the perversion of a principle merciful in itself, arose the monstrous practice of wringing by torture that avowal, which was the evidence, not of guilty consciousness, but of bodily agony. The Austrian court having first formed its opinion of the probabilities of guilt from the depositions before it, seeks also, on the Roman principle, to obtain confession: but it does so mainly through the medium of "solemn warnings" addressed to the accused, and of interrogations purposely framed with a view to its elicitation. Neither promise nor threat may be employed; nor may the name of any presumed accomplice be mentioned in order to intimidate; but the prisoner may be awed by the assertion that the court are in possession of clear and suffi-

cient evidence, although the nature of that evidence be withheld. He is never entitled to see the depositions; but, with a view to elicit confession, their nature is to be gradually revealed to him; and, finally, the names of the deposing witnesses. Should he still persist in the denial of guilt, he is entitled to a confrontation with the witnesses; one only at a time, if several have deposed; when the points of evidence denied are read over in presence of both parties, and the assertions of each, in confirmation, admission, or denial, duly recorded. It is on failure of all these endeavours to obtain the great object of Roman jurisprudence, that the court proceeds to judgment on the evidence only; and, in doing so, if direct evidence be insufficient, it admits circumstantial evidence, under considerable and specified limitations, and with this distinction,—that no capital sentence can be passed on circumstantial testimony alone. A "protocol," comprising all the proceedings and evidence, with arguments thereon, is prepared by a proper officer, and read before the court, consisting of the judge and the assessors. Each gives a written opinion as to guilt or innocence, aggravating or extenuating circumstances, and punishment to be inflicted; and it is only in cases of equality, that the judge has the casting vote. Before a sentence is final, it must in most cases have the confirmation of a superior authority. Thus every judgment of the district tribunal, where confession has not been obtained, or where the punishment reaches five years' imprisonment, must be submitted to the provin-

cial court; who have the power to commute, and in so doing to augment or to mitigate, all save sentences of death or imprisonment for life. Cases of capital crime, of official malversation, as well as those wherein the provincial court may have augmented punishment, are further referred to the supreme court of Vienna; who must obtain the *royal warrant* for every capital punishment. This gradation of supervision is no unimportant security to the prisoner; for, since all the minutes of the proceedings are required by law to be detailed in the written records, and any defect of formality, such as an irregularity in the interrogations, or the examination of a privileged witness without a specification that he was apprized of his right to refrain giving evidence, is fatal to the proceedings. Independent of this regular reference to higher functionaries, a right of appeal exists in most cases, which may be exercised by the prisoner, or by any relation or lawful superior, in his behalf; and which extends to alleged irregularities of procedure, false application of law, or excessive severity of judgment.

In regard to *misdemeanors*, the general principles and proceedings are very similar to those detailed with reference to crime—the same observances in respect to evidence, to interrogations, to written protocols of all the process, and to the supervising authority of supreme courts—but in certain points, mitigations in favour of the accused are admitted, which in a criminal case are not allowed. The tribunals,

which, as before mentioned, are distinct from those for the investigation of crime, consist of the following gradations. First, the local authorities of the village or town, and which are practically a magistrate, assisted by two sworn assessors, and an actuary or registrar: secondly, the kreisampt, which has been formerly mentioned as the administrative council of the district, and which, in matters of misdemeanor, forms a distinct court: thirdly, the landesstelle of the province; composed of the governor and his council of provincial government; and, finally, the supreme hofstelle, or high court of police, at Vienna. The primary local court has summary jurisdiction as far as one month's imprisonment or ten blows; but, in such cases, the *assessors* give the judgment, and only on their disagreement in opinion, has the presiding magistrate a vote. Matters in which the law awards a higher punishment than a month's imprisonment or ten blows, must be revised by the kreisampt; who have no power to alter, but may either confirm, or send forward the case to the landesstelle of the province. Charges connected with secret societies, with offences against the censorship of the press, and for inveigling subjects out of the country, must be referred to the supreme hofstelle at Vienna, and can only be *pardoned* by the sovereign. In every other case a power of pardon rests in the hofstelle; and of commutation and mitigation also in the landesstelle of the province. Appeals are allowed in all cases, except those of the most trifling descrip-

tion, on the ground of informality, and in many, on the general merits: and acquittals for deficiency of evidence are absolute; which is not quite the case in criminal charges, wherein proceedings may be suspended, and with certain limitations be renewed on further evidence being obtained.

Some remarks will be presently offered on the general results of that judicial administration, which has been now explained: but it will be obvious to every one, that processes so cautious and dilatory, so embarrassed with technical formalities, with supervision following supervision, and moreover with peculiar difficulties respecting the legality of evidence which I have not yet explained, can be little adapted for those emergencies, which require a prompt execution of justice for the preservation of public tranquillity. Hence the code, containing specific rules under which a province or district may be temporarily withdrawn from the ordinary application of the law, by the proclamation and application of the *standrecht:* and although, in Austria, the royal power of legislation is theoretically absolute, and law is constituted by the promulgation of ordinances, yet the rules of the standrecht are as strictly defined, as those of the more ordinary processes; nor is it believed, since the enactment of the present code in which they are embodied, that they have ever been infringed. The cases wherein the standrecht, or what might be termed with us martial law, can be proclaimed, are those of actual insurrection, or of such

violent public disorder as cannot be suppressed by the ordinary magistrates. In such cases, the governor, and other public authorities of the province, in conjunction with the judges of the higher criminal tribunal, have the power to proclaim the standrecht, either for the whole province, or for any district thereof, specially setting forth in the proclamation the *cause* of the proceeding. A special commission is formed of five judges, taken from the ordinary tribunals or administrations, who, being duly sworn, have cognizance over those offences only, which are connected with the *cause* set forth in the proclamation; but with power to compel evidence from *all* persons, including relatives of the accused. Summary despatch, with a view to the immediate restoration of order, is the object and rule of the standrecht. Parties are to be immediately arraigned, and sentence to be passed within twenty-four hours from the time of the arrest. That sentence is death, in the case of those ringleaders and principals in insurrection or disorders, whom it may be deemed necessary at once to strike down; and execution by hanging, without appeal, must follow within three hours after the sentence is passed. Abettors and minor culprits may be sentenced to imprisonment in irons for five to ten years; and fine may be imposed in recompense of injury done to individuals, which becomes matter of civil debt to the injured party. Yet, even with these summary proceedings are combined great provisions of mercy. The functions of the president, who may be

supposed to be the person principally in the confidence of the crown, are confined to the examination of the witnesses, and of the accused. The judgment and the sentence rest with the four assessors: and if their opinions be equally divided, or if the crime be not so clear as to admit of judgment being passed within the twenty-four hours from the period of the arrest, the case is referred to the ordinary tribunals. The protocols of all proceedings of the special commission must be transmitted to the ordinary provincial court, within three days from the termination of each case. It can take no cognizance of any matter unconnected with the cause announced in the proclamation; and its functions, having ceased with the circumstances which occasioned them, cannot be renewed without further special cause and distinct proclamation.

As the standrecht is an exceptive means of sustaining the public order, so the special ordinances against contraband trade are the exceptive protection of the revenue. The code, correctional and criminal, contains not one enactment connected with fiscal subjects, except those which regard the current coin and the circulating paper. All commercial regulations, and all enactments for the suppression of smuggling, are matter of special ordinance; and, like revenue laws in general, in every country, they are, in their *nature*, arbitrary, inquisitorial, and oppressive. They serve as an authority, especially in the provinces bordering the frontiers, for visits of person and

and domicile by any functionary armed with the proper commission, which may often be vexatious: they throw great, though in fact ever evaded restrictions, in the way of trade; and they visit the perpetrators of *habitual* or *repeated smuggling* with severe punishment. In their actual operation however, which I shall have occasion to refer to in a future chapter on the revenue system, they are little felt by those who are not wilful or habitual transgressors. Their severity is mitigated by the almost unlimited indulgence, which is granted by the government, for the admission of foreign goods of every description for private use; and, with the exception of dealings in the two articles which form the royal monopolies, salt and tobacco, the weight of legal vengeance is very far from heavy. Salt and tobacco are the great objects to which all the fiscal denunciations especially point; for, on the monopolies connected therewith, a large branch of revenue depends. On all other points of exceptional law, both those of the fisc and those of the standrecht, much of practical indulgence is allowed to temper legal austerities.

Enough has now been said, for a general understanding of this interesting subject. I rather regret the necessity I have felt to encumber it with the rules of the standrecht; since that mode of procedure is so entirely exceptive, and of such exceedingly rare oc-

currence, if indeed it ever occurs at all, as to have no influence on the social character. It has been with a view to the belief not unnaturally entertained, that under a nominally absolute sovereignty, popular excesses are restricted by the mere autocratic force of the crown, that I have deemed it requisite to show the strictly methodical mode of procedure adopted by the Austrian government, even in cases of actual rebellion; but the *ordinary* judicial administration can alone be viewed as influencing or evincing the popular mind and tendencies; and therefore on *it* I shall proceed to notice some important peculiarities, and to offer a few general observations.

It is a matter of curious interest, to observe that uniformity of principle which runs through the whole of the Austrian institutions:—that species of paternal or patriarchal spirit, which, ever asserting authority, and ever extending indulgence, prevails alike in government, education, and law. Thus we may at first sight regard as tending to injustice, the system of private interrogation; we may be shocked at the denunciation of imprisonment in irons, and of corporeal punishment inflicted even upon females: but when, on the other hand, we consider the actual course of procedure, the gradations of supervision and appeal, the rules of evidence, and the almost endless legal grounds of mitigation, it seems difficult to imagine how a high criminal sentence can be ever inflicted at all. The law admits every kind of palliation resulting from age, sex, and circumstance. Thus, sentence of

death, or of imprisonment for life, cannot be passed on persons who at the time of the commission of the crime had not completed their eighteenth year: neither, as formerly observed, can capital punishment be inflicted on any one, without the immediate warrant of the sovereign. The delinquencies of children are in many cases rather severely visited on their parents; but, under ten years of age, the children themselves are left to domestic correction, and cannot be in any way punished by the public authorities. Offences committed between the ages of ten and fourteen, whatsoever be their character or gravity, are viewed and punished as misdemeanours only. At the age of fourteen, the law imposes full responsibility for the commission of crime; but requires a further age of four years more, before crime can be visited with capital punishment.

If these humane provisions in favour of youth seem to argue well of a system of training, under which youthful delinquency must be so far rare and trivial as to require, for the safety of society, no stronger enactments of repression,—those which regard offences committed within the recesses of private life exhibit the confidence which the government reposes, and it will probably be thought, rather unduly reposes, in the strength and wisdom of domestic rule. Through the whole code, both of crime and misdemeanour, we may observe the prevailing principle, that acts become punishable, mainly and some times wholly, as they have a tendency to disturb *public order*; and so long as this is not endangered, the public prosecutor in-

vades not domestic privacy. As the head of the family is supposed to be responsible for the good conduct of all those who live under his roof, so from him alone can legal complaint be received of any delinquency, which within his walls may be committed. Every species of personal immorality, however enormous in its character and circumstances, if committed in domestic privacy,—every invasion of property, however extensive, committed as between relations living together,—can be recognised by law only on complaint of the domestic chief: and when this important circumstance is borne in mind, together with the difficulties of process, the privileged exemption of relatives from giving testimony, and the great inclination of the courts to view with leniency all transgressions of personal indulgence, it must be evident that indictments, at any rate for these descriptions of delinquency, must be very rare, and convictions scarcely possible.

As respects transgressions in general, except such as regard the public safety or the protection of the paper currency, or such as betoken confirmed habits of vice, there is a constant tendency to reduce the offence from the class of crime to that of misdemeanor; and those who have been accustomed to inveigh against the suspicious severity of the Austrian government in matter of political offences, may have been surprised to observe, in the list of misdemeanors only, and consequently as subjected to minor punishment, all transgressions relating both to secret societies and to the

censorship of the press. Misdemeanors, in fact, comprise the general body of Austrian offences; and the punishment for them is essentially correctional, and tempered, *under direct enactments,* with a view to the circumstances of the party. The injury which a family or a parent would sustain from the imprisonment of a transgressor, is a special legal ground for its curtailment, or for its commutation altogether against fine or corporeal flagellation. If the offender be a mechanic, the mere injury to his own future prospects, although he have no family dependent on him, is a similar legal ground of mitigation. No encouragement is held out to accusations. The law contains severe enactments against calumnious accusers; but, although fine is the punishment directly or indirectly of a multitude of transgressions, no portion of the fine is conceded, except in the single case of unlawful gambling, as a recompense to the informer. As in most cases no charge can be received for any domestic disorder, except from the head of the family, so on the other hand the head of the family receives the ready aid of the public force, in vindication of his domestic authority. On his complaint, privately investigated, the refractory son, the wayward daughter, and the rebellious servant, are committed to some house of seclusion, where, for the period of a week or two, they are left to their solitary reflections. They are kindly treated; lodged and supported at the expense of their parents or masters according to their respective conditions; employed in study or in

work; and are preserved from the scandal which the idea of imprisonment would inflict on their future lives, by the close concealment of their names and circumstances, even from all the officers of the police and of the prison, except the chief alone.

If we inquire into the practical result of the criminal and correctional administration which has now been detailed, and if, for that purpose, we adopt the not unusual, though very fallacious idea, that the number of indictments is a test of the quantity of popular delinquency, we shall be disposed to pronounce that the system is excellently adapted to the character of a people formed, by long habit and associations, to the genius of the Austrian rule; but that in those more recently-acquired districts, where ferocious crime requires to be checked by speedy and stern severity, its long and cautious processes are very inadequate to the preservations of public order. It is in Dalmatia and Istria that this inadequacy is the most experienced: the former an ancient dependance of Hungary, the latter of Venice; and both of them reduced, by long periods of corruption, oppression, and misrule, to a state of barbarous popular fierceness, which the mild temper of the Austrian code, and especially its privileged exemptions in regard to evidence, would seem calculated rather to encourage than subdue. Taking the whole of the empire (with the exception of Hungary and of Lombardo-Venice, which

enter not into our present consideration) the proportionate number of prosecutions is the greatest in these two provinces of Dalmatia and Istria; and next to these, in Tyrol and Illyria; in all of which the demoralization produced by local or antecedent circumstances, may, probably, have been extended and confirmed during their subjection, for many years of the last wars, to the rule of France. Between these, and the other German provinces which were not severed from the Austrian sceptre, a wide line of distinction exists in regard to the records of crime. In Gallicia, where, next to the provinces already cited, the proportion of prosecutions to the number of inhabitants is the greatest, that proportion is not one half of that which exists even in Tyrol or Illyria. In Bohemia the proportion is smaller than in Gallicia. In the central provinces of Lower Austria and Syria, smaller than in Bohemia; and smallest of all, in Moravia and Silesia. Connected with this enumeration, two circumstances may be briefly noticed, which may possibly surprise those who form their notions of facts from mere statistical tables. The one regards *feudality*. Taking together the ten millions and a half of "subjects" in Gallicia, Bohemia, Moravia, and Silesia, where feudal institutions continue in great comparative force, and comparing them with the five millions who form the population of the southern provinces which are relieved from the reality of feudal pressure, we find the proportion of prosecutions to be only one-third in the former of what it is in the

latter; and the proportion would be still further reduced, if the provinces of Austria and Styria were excluded from the calculation. The other regards *education*. In Tyrol, where the proportionate number of children attending schools is greater than in any other German province except Austria and Styria, there prosecutions abound; while amid the five millions of Gallicians, the least educated of all the subjects of the empire, there want of instruction and exemption from crime would seem to go hand in hand. In deductions however, drawn from mere statistical tables, there must be always uncertainty, and often error. It has been seen how generally the Austrian code inclines to estimate and to punish crime, in proportion to its publicity, rather than its moral turpitude; and hence the numerical prevalence of offences will always appear the greatest, where they are accompanied with the most open violence; and where, what may be termed the moral power of the public authority, is the least effective. In the provinces nearest to the metropolis, the anxiety of the government to promote the popular contentment and avert individual dissatisfaction, its disinclination especially to all that may create excitement, cause a general tendency to adopt the milder course of liberating offenders on their recognizances, and with admonitions not to offend again; rather than to institute those proceedings whereby their names would swell the list of prosecutions. In the feudal dominations of the north, a somewhat similar result is produced by different

means, and with different objects. The manorial lord or his agent is averse to the removal of the "subject" from the site of his labour or employment: he has no inclination to increase the influence of the imperial tribunals: hence, by virtue of his police authority, he inflicts the summary punishment of a few blows, or three days' imprisonment, for delinquencies which are never publicly noticed, but which, in regular process of law, would at all events have amounted to misdemeanor, and probably to crime.

Taking a general view of the whole subject, the system of criminal legislation and its practical results, we may pronounce, that the provisions of the code are in excellent harmony with the character of the people for whom they are primarily intended. That they are extended to Dalmatia and Istria, Tyrol and Illyria, arises from the desire of the crown to establish a uniformity of law through the whole of its German dominions: and the hope it professes, of gradually improving the moral condition of its less tractable subjects by the mild influences of a lenient administration, does not appear to be altogether disappointed, since the amount of crime, although still very great in these unruly districts, is reported to be in course of steady and decided abatement. It is not in these exceptional localities however, that we must examine the characteristics of Austrian law. We must turn to the great bulk of the German provinces; and to that large and varied population which has been trained to the principles of the Austrian

rule, by long habit and early education. We shall there find it, not only fostering the already established tendencies of the popular mind, but, on the principle set forth in the beginning of this chapter, bearing evidence also of what these tendencies actually are. We shall find them testify of a *people*, trained to veneration for the government, passive and confiding submission to all authority, kindliness of social character, and great indulgence to personal frailty,—of a *government*, anxious to combine the preservation of public order, with the greatest assurance of private enjoyment, and of family concord. Hence the legal culpability of acts, in proportion to their publicity. Hence the weight given to domestic authority. Hence the anxiety to preserve individual comfort and the confidence of family affection, by severe enactments against calumny, or even ridicule; the discouragement of accusations; the exemption of relations from giving criminating testimony, and even the inadmissibility of their charges as against each other, while forming a common family. Hence, too, that sort of paternal sentiment, which, descending from the government to the magistrates, induces them, as well from prevailing individual habit, as from the positive instructions of the code, to yield a ready attention to every palliating circumstance, and every species of mitigation. It may not be improbably inquired, whether a system such as this could be sustained in practice, were there not some secret countervailing forces to preserve it from inefficiency—

and such forces it may not be very difficult to detect. The most important one is, no doubt, that veneration for all authority, composed both of love and fear, which generally pervades the public mind. It is a sentiment which, especially in matters connected with political offence or public disquiet, renders each individual the voluntary instrument of informations and denouncements, which the government itself may not seem to invite; and which causes in all, such a submission to the public functionaries, that in perhaps a majority of cases, the voice of private admonition and injunction renders unnecessary the vigour of the law. But there exists another force, in that very caution of process which might at first sight appear to tend only in favour of the accused. Notwithstanding the many enactments of the code for the despatch of procedure, yet every tribunal does in fact possess the faculty of almost indefinitely extending it, by committals for rehearing, and for further interrogations; and indeed the necessary delays attendant on the long-written protocols, &c. are so considerable, that, with every inclination to promptitude, a criminal sentence is rarely passed in less than eight or ten months from the time of the first arrest.* During this period, the accused, unless liberated on bail, is mildly treated, but he is in fact

* This varies in different provinces, and under different circumstances; but unless, as may be the case in matters of high treason, especial despatch is used, the processes are generally tedious.

a prisoner; and thus a sort of correctional process is established, under which the magistrates may become criminal arbitrators rather than judges. They know, from abundant sources of information, as well as from the depositions, the character of the accused, and the probabilities of his guilt. The correctional process of preliminary confinement, with the warnings, and instructions, and admonitions that attend it, may sometimes be applied when legal proof of guilt may not be easy; and notorious disturbers of the public peace may be restrained in their course of crime, by a tedious investigation of charges whereof they may be ultimately acquitted. That this kind of semi-arbitrary power, both in the judges of the courts and the local magistrates, may be *sometimes* abused, is a supposition necessarily founded on the imperfections of man. That such is *often* the case, in other words, that frequent injustice is the result of it, is rendered highly improbable, by that uniform tendency to indulgence pervading the minds of all, whether magistrates or others, formed in the common mould;—by that real, although not theoretical publicity, which to a certain degree attends their proceedings;—and especially by the anxious supervision of a government, resting its power on willing obedience, and therefore ever alive to prevent well-founded individual murmurs. These appear to be the principal countervailing forces, which compensate the mildness of the Austrian system; but, were

the people less attached to their rulers, or were the Habeas Corpus act appended to the code, it may be a question, whether the criminal law, as it at present stands, would suffice for the good government even of the people of Austria.

CHAPTER VII.

MORALS.—Liability to error in estimating National Morality—Excellencies of the Austrian Moral Character—Whence produced—Early training—Absence of certain Excitements to Vice—Nature of the Civil Government—Defects of the Austrian Moral Character—Tendency to personal Indulgences—Tables of Illegitimate Births in Cities and Provinces, with Remarks—Effects of certain Impediments to Marriage, and of certain Provisions of Law—Institutions of Maternity and Orphan Asylums: their organisation and effects—Observance of Parental and Filial Duties, with Remarks on the Laws of Inheritance—Observance of the Conjugal Duties, and Remarks on the Laws of Marriage—Facility of Divorce among the Protestants, and its effects—Concluding Observations.

IN no point is the observer of human nature so liable to fall into misconceptions and errors, to be deceived by superficial appearances, and misled by partial information, as in the estimate he forms of general national morality. It is a subject which the candid foreigner will especially approach with caution and diffidence. He will be wary of forming a decision on the social character of other countries, when he reflects how little he really knows of its condition in his own; how mainly his ideas are founded on what he has been accustomed to survey, in the peculiar localities and conditions of life wherein he himself

has moved; how much he is prone to over and to under-rate particular good and evil qualities, in proportion as his own station, circumstances, and temperament, may more or less dispose him to certain of the former, and more or less subject him to certain of the latter. On documentary statements he will hardly venture to place much reliance. Those founded on private estimate and computation are usually tinged with partiality and prejudice, and must at all events be inadequate to the establishment of fact—while the public records of correctional or criminal tribunal present, it may be hoped, only exceptive cases, as regards society at large; and these cases will appear more or less proportionably numerous, as the police of a district or a country may be more or less lax or severe, indifferent or suspicious. The actions and habits which evince the real character will, in the bulk, be usually such as can hardly enter into statistical tables of any sort; and the person who has largely surveyed mankind in various countries and conditions, and who bears in mind that Christian as well as natural morals comprehend ALL the duties of man, as a social and a rational being, will probably arrive at the belief, that however peculiar excellencies or defects may be prominent in peculiar states or stations, the average of aggregate moral character is much more nearly equal, than at the outset of his inquiries he may have been inclined to suppose.

The principal excellencies of the Austrian moral

character, as observed in the German states of the empire, consist in personal sobriety and temperance; in sincerity and honesty of mutual dealings; in aversion to fraud and violence of every description; in an habitual readiness to succour the needy and the indigent; and a general benevolence of temperament which disposes to the fulfilment of the paternal and filial duties, and the exercise of all the gentler charities of life. These are the natural results of that early training, which, whether it be included under the term scholastic education, or merely clerical and parental precept with domestic habit and example, all alike receive. It is a training essentially connected with religion; for even where the established schools are unattended, some portion of pastoral supervision, some instruction in moral duties as dependent on religious truths, is conveyed to the humblest and most ignorant cottager;—and one of its most important characteristics is the repressive control it exerts over the *imagination*, that most dangerous, though delightful faculty, to the indulgence of which may be traced so very large a portion of human wretchedness and vice. Habits and tendencies, quiet orderly and happy, are thus created in the youthful mind, which, in future life, are rarely disturbed by those excitements to the opposite vices, which in various other countries so fearfully prevail. Of such excitements the one most pregnant with human wretchedness and vice is doubtless the habit of inebriety; and this is a habit almost unknown in Austria. Ardent spirits are

largely consumed in Hungary and along the military frontier, there producing their usual harvest of crime and misery; but in the German states, the potations of enjoyment for the lower classes are either a light thin beer, or that meagre semi-acid beverage which an Austrian dignifies with the name of wine, and which would produce exhilaration in no one but himself. Drunkenness is scarcely ever seen; and those who have traced the effects of this vice, where it is habitually and largely indulged, in producing almost every other, and in utterly breaking up all the moral and social relations of man, will be disposed, from its absence alone, to infer favourably of Austrian morality. A second species of excitement, from which, naturally speaking, the Austrians are comparatively free, is covetousness or the greediness of gain. They have imbibed from their childhood not only the principles of honesty, but the easy quiet feelings of contentment. Good and evil are so much intermixed in this world, that it is vain to seek the one, without expecting to find with it some portion of the other. That eager industry, that ambitious anxiety of advancement in opulence or station, which, where they prevail, form the mainspring of individual enterprise and national wealth,—which lead to the highest cultivation of the intellect, and the perfecting of all the useful arts,—bring necessarily with them a selfish train of feelings and of action, which impel to restlessness and envy: to deceit and treachery, in the superior classes of mankind; and to fraud and robbery, and

crime of all descriptions against property and person, in those who are below them. From such delinquencies as these, the Austrians are peculiarly free; as they are also without the high and important excellencies, whereof these are the alloying concomitants. Crimes of harshness and violence are exceedi gly rare; while habits of frugality and order, and a kind of single-minded honesty and simplicity run through the whole of their character.

A third species of excitement to the passions, from which the Austrians are exempt, and which I deem it very important to mention, consists in those political contentions and religious controversies which, in free states, are the necessary results of civil and religious liberty. Those great objects, the attainment of truth and the conquest or preservation of freedom, usually call forth, and sometimes even require, an ardour of personal temperament, a fierce assumption of right, and an arrogant denial of candid justice towards opponents, which are the fruitful sources of variance, discord, and all the unkindly and malignant passions. —The bonds which should attach man to man are broken in the superior ranks of life, while rapine and violence mark the furious course of those beneath. Austria has had her religious wars, though scarcely her civil conflicts; but these have long since ceased. Controversial discussion is prohibited An uniformity of filial submission to the state, and a kindliness, perhaps, to speak more correctly, an indifference, of sentiment between professors of various

creeds, are engendered by the course of education; and thence the absence of that large class of acrimonious feelings so productive, where they exist, of social disturbance and of individual misery.

To the effects of early training, and the absence of disturbing excitements, must be added the mild genius of the civil government, and its unceasing care for the temporal prosperity and happiness of the people, as contributing also in no small degree towards the general fulfilment of the social duties. Good and evil feelings, sentiments, and actions, have their diffusive, as well as their individual operation. They have a tendency to reproduce themselves, through the extent of that range whereto their influence may extend; and of mankind at large it may be said, that those who are themselves the most contented and enjoying, are the most disposed to create and promote the content and the enjoyment of others. Vice or crime, when not committed through absolute malignity, arises from some sense of deficiency—some want, real or imaginary, material or sensual — produced by temporary circumstance, or rendered habitual by frequently admitted repetition. It is ever selfish—seeking personal acquisition or gratification, regardless of the evil done to others. Proportionate to the vehemence of temptations from without, and of propensities within, will be the moral excellence of that *individual* who firmly pursues the path of duty: but, as regards mankind in mass, a *nation* will probably be in a

healthier as well as a happier state, in proportion as the temptations and propensities are themselves restricted and reduced by institutions and education, and as popular contentment renders social benevolence, in its largest sense, an instinct rather than a principle.

With regard to the population at large, it is no pleasing task to touch on defects and deficiencies, where the amiable and kindly qualities so much prevail; but the observer of human nature will at once perceive, that the easiness of character, which I have described as prevailing among the Austrian people, cannot be favourable to the exercise of the sterner virtues. Injury to the person and property of others will be restricted by want of inclination rather than by principle—habits of personal self-control will be little practised, and, perhaps, little valued—a mutual indulgence will be granted and reciprocated to what are termed the weaknesses of our nature, where they appear to be untinged with malignity—and the general happiness will perhaps be rather promoted and sustained by a sort of habitual good-nature, than by a sense of moral duty. There is a sophistry in the human heart, by no means peculiar to Austria, which finds in habit, circumstance, absence of evil motive, and other asserted palliatives, an excuse for what cannot be denied to be deviation from the strictness of rectitude. Thus fraud and corruption exist in the various departments of the public service (although not, in my belief, to the extent sometimes

alleged), promoted and perpetrated by persons, whose private relations of man with man are still marked with the usual characteristics of faith and integrity. Thus, too, the harsh and angry tone of mind exhibited in English political and religious discussion, is condemned as fatally hostile to the spirit of Christianity, by a people who view with lenient indulgence those aberrations of conduct, which in England are held to upset the very foundation of Christian morals. With regard to the extent of national immorality involved in, or evidenced by, such aberrations, I would speak with great caution; for it is to them that may be emphatically applied the remarks with which I have commenced the present chapter, as to the difficulty of arriving at just conclusions. In large cities, licentiousness will unhappily always exist; but, as regards the Austrians generally, I believe the opinions which have been sometimes put forth to be greatly exaggerated. Public decorum is far better observed in Vienna, than in London, Paris, or Berlin; and those who have contemplated the results of habits of intoxication, of closely-condensed manufacturing communities, and of those excitements to early delinquency which are incident to a population over eager in the pursuit of gain, will pause before they admit the belief of great comparative immorality, in a people where these sources of evil do not nationally exist. I have before me, however, two tables, which, with great caution, I think it right to insert, requesting particular atten-

tion to the remarks by which they are followed; for, otherwise, taken in the abstract, they would merely form in my opinion an exemplification of that documentary evidence, which is so often calculated only to mislead the judgment. As illustrations of national morals, I deem them fallacious—but, as bearing on certain great questions of public good, they may be well deserving the consideration of the statesman and philanthropist; and it is mainly with this view that I am induced to lay them before the public.

Proportion of Illegitimate to Legitimate Births in the following Cities, *during the year* 1834.

Vienna	10 illegitimate to	12	legitimate.
Lintz	„	19	„
Gratz	„	6	„
Laybach	„	23	„
Trieste and neighbourhood .	„	22	„
Innspruck . . .	„	22	„
Prague	„	15	„
Brunn	„	13	„
Lemberg . . .	„	14	„
Zara	„	27	„
Milan	„	28	„
Venice	„	62	„

Proportion of Illegitimate to Legitimate Births in the Provinces, *during the year* 1834.

Austria, Lower	1 illegitimate in	4	births.
Austria, Upper	„	5	„
Styria	„	3	„
Carinthia and Carniola	„	5	„
Littoral	„	13	„
Tyrol	„	17	„
Bohemia	„	16	„
Moravia and Silesia	„	7	„
Gallicia	„	12	„
Dalmatia	„	2	„
Lombardy	„	25	„
Venetian Provinces	„	3	„
Transylvania	„	36	„
Military Frontier	„	55	„
Whole Empire, exclusive of Hungary	„	9	„

A mere glance at the above tables suffices to show, that, as registers of real morality, they *must* be erroneous. According to them, we should pronounce Venice to be the most correct of the Austrian cities; Vienna twice as much so as Grätz; and the military frontier, in a considerable portion of which crime* is of a ferocious character, and only restrained by the severest discipline, would appear the most moral district of the empire. We should suppose a state of things, in which, were an actual defect of moral

* In Slavonia and Croatia.

principle the cause of such wholesale irregularities, it would be scarcely possible for society to hold together; a state of things certainly incompatible with the great annual increase of numbers, the regular orderly habits, and the social affections, which are seen in the population of Austria. We must seek other circumstances to account for these effects; and we shall find them, to a considerable degree, in the two grand impediments to marriage, arising, the one from a well-intended, but, perhaps, erroneous legislation, the other from defective institutions. The first of these, is the prohibition to the parish priest to celebrate any marriage between parties unprovided with certificates of *education*, and of what is termed *morality*, meaning thereby general good conduct, and orderly quiet demeanour; as also reasonable proof of sufficient worldly means, or prospects to provide for a family. The minister waiving these certificates subjects himself to great risks, and in some cases to a heavy personal responsibility.* Now, the want of education-certificates alone would operate as a bar to marriage, in regard to probably a moiety of those individuals now marriageable; for it appears by the tables given in Chapter V., that, even of the present

* It has been stated to me, that in Bavaria, the minister celebrating a marriage between parties unpossessed of adequate worldly means, renders himself liable to the expense of providing for the offspring. I have found no edict to this effect in Austria; but it has been suggested to me, that in some cases the principle of it has been practically applied.

race of children, two-fifths do not attend schools; and this too, although there is no doubt that education has of late years considerably increased. A further number would be incapacitated by poverty, and that especially in the poorer districts; while, as to the insubordinate and disorderly, they would be excluded from the chance of being ever reclaimed by the ties of marriage. For the want of education, it is true that where schools do not exist, and perhaps even in some other cases, dispensing certificates would be obtained; but, as I have had occasion before to observe, the habits of a people are moulded in many points more by the actual provisions of a law, than by its practical enforcement: and the general understanding that education-certificates are required, will be far more operative on conduct, than the conjecture that such certificates might perchance be dispensed with. The second cause to which I have alluded consists in the necessity, on feudal properties, that marriages should receive the lord's consent. He is morally and practically, if not legally, the preserver from starvation of the paupers on his domains; and hence, on general as well as feudal principles, it may be not without advantage that he should possess some check over those unions from which they may arise. This preventive authority will no doubt be very cautiously exerted, and rather, probably, by his agents than himself; but licence will be at times refused to improvident unions, while the police of the estate will endeavour to castigate or exile the disorderly.

Not in Austria only, but in various continental states, similar impediments are thrown in the way of marriage by a well-intended legislation; and in all of them, as a too natural result, unions will be formed without those ordinances, which cannot be obtained. Much of the immorality attaching to such unions may be rather chargeable on the legislators than the parties; but still the products of them will appear most unfavourably on tables such as those I have exhibited, and their numbers will tend to produce very erroneous impressions. In France the law is, in practice, although not in words, nearly as restrictive as in Germany, and only dissimilar probably in the extent of its illegitimate productions, from causes which it is not fitting to explain. No person *there* can marry without producing certificates of their birth; of the consent of their parents (whatever be their own ages), or of their decease; or, if the parents be alive and unconsenting, then of three demands for their consent having been made at certain intervals, by a notary in due form of law. The larger portion of young men who flock into Paris, Lyons, and other great cities, from the distant provinces, in search of employ, and who in after-life would wish to marry, may seek in vain for the necessary certificates. They know not, probably, where their parents are to be found, or where their own birth is registered: or, if they do, they are perhaps unable to bear the expense of procuring the documents; and hence, with little fault of their own, they may be drawn into a state of

life very unfavourable to tables of morality. *So great indeed is this evil, that I remember to have heard a charity sermon at the church of St. Roch, in Paris, when the archbishop was present and gave the benediction, the object of which was to support the funds of a society especially formed for defraying the expenses of the poor in procuring certificates of marriage.

To these two causes, others must however be added, arising, not from the severity of the law, but from what may rather be considered its erroneous indulgence. The right of illegitimate children to the inheritance of their mother's property, gives them in itself a social character, superior to that to which, as "nullius filii," they are doomed in England; but far more important in the view of public morality is their actual legitimization, by the subsequent marriage of their parents, or by the grant of the crown. This last mode of relief, indeed, the grant of the crown, will be principally resorted to in cases where, the mother being dead, the father has no longer power to celebrate a marriage: but while both parents live, the remedy is even in their own hands, and the facility of its adoption has unquestionably a very immoral effect. Neither are we yet arrived at the conclusion of those encouragements,—for such, I fear, they must be termed,—which laws and institutions hold forth for the increase of spurious offspring. We must turn our eyes to those institutions of "Maternity," founded by Joseph in his zeal against infanticide; and of

which some one or more exists at present in every provincial capital, and in most of the larger towns. By night and by day, the gates of these institutions are open to the virtuous and the guilty; and if the parent be enabled to make a payment of a few shillings daily for her lodging and medical assistance, she is enregistered as of the "first class," has a separate apartment, and continues as long or short a time as she may choose, unknown even to her immediate attendants. By direction of the imperial edict regulating these institutions, she may arrive, remain, and depart, with her countenance masked and her person concealed, subjected to no inquiry. She merely gives her real name and address in a sealed envelope, to be examined only in case of her death, but which is otherwise returned to her unopened on her departure; and she may either remove her offspring at pleasure, or, for a sum of less than 2*l.* sterling, she may leave it for ever to the charge of the establishment. It must be a matter of serious doubt whether arrangements such as these, however arising from the most humane motives, be not too often direct incentives to vice. May not the facility of concealment which shrouds the disgrace of the erring female, and protects the bosoms of her guiltless family from many a bitter pang, be too probably an enticement for the commission of delinquencies which safety would not otherwise have dared to hazard? May not the harshness of our social law, which bars the door of restoration to her who is once known to have offended,

be more than counterbalanced by the temptation to offence which results from the hope of that door remaining ever open? In justice, however, to the establishments of which we are now treating, it is requisite to enter somewhat further into their organization; and to show that if, in some cases, they may be liable to the suspicion of evil, they are likewise in others not unproductive of good. To parents unable to meet the expenses I have mentioned, and who, consequently, are not of the "first class," the same indulgence is not extended. Apartments, differing in the degree of accommodation, are allowed to those who make smaller payments, and there are public wards for gratuitous patients, who are admitted only on the recommendation of the parochial minister, or some other person in authority; but of the whole of these, forming the second, third, and fourth classes, the names and situation are known and recorded; those not gratuitously admitted are required to remove their offspring with themselves; and those who are admitted as gratuitous patients, are bound to remain for a certain period afterwards as nurses and attendants of those helpless infants, of whom it may be hoped that the greater part are the progeny, not of vice, but of honest poverty. To every house of "Maternity" is attached an "Orphan and Foundling Asylum," of which the inmates are of a very mixed character. They consist partly of those born in the house of Maternity, either of pauper parents or of those enregistered in the first class, who have made

the required deposit; of children not born in the house, on deposit by the parent of a larger fixed sum; of illegitimate children of mothers bringing certificates of poverty, and declaring the name of the father; and, finally, of pauper children, born in marriage, who are recommended for reception by the parochial minister or armen-vater. The system of admission by the wheel or the box, as practised in France, is in no case adopted in Austria. No child is received without the adequate pecuniary payment, or on mere personal declaration of poverty; and those who are found exposed, and whose parents cannot be traced, become a charge on the funds of the parish or district. The usual practice in regard to those young creatures, is to commit them to the charge of the cottagers and peasants in the country around, on an annual payment, which is continued until they have completed their eighth year; after which they either return to the Orphan Asylum, to be there supported until placed in domestic or other service; or, which is very usually the case, are transferred to the permanent adoption of their foster parents. A preference is always given to the real mother, if she desires the charge on the allotted remuneration; otherwise, foster parents are very readily found to offer, partly for the value of the allowance, and partly in compliance with an opinion very much inculcated, that the care of these foundlings is a highly meritorious act of religion. The general tenderness of the Austrian character, more especially if combined with

the religious sentiment to which I have just alluded, causes the children to be in most cases kindly and affectionately treated. As they grow up they become useful in the field or the workshop, for which objects their adopting father has the same parental power over the disposal of their labour, as over that of his proper offspring; but precautions are still taken to guard against oppression and abuse. The parochial minister is the special guardian of the whole of these located foundlings; he musters them before him at least every six months; reports on their condition and treatment to the heads of the department; provides for their religious training; and is a necessary party to every contract or agreement in which they may be interested, until they have arrived at the age of discretion. Within the orphan house is usually a limited number of children of rather a superior grade to those which have been thus far considered, and who form the pupils of an industrial school which is held within the walls. These are the children of poor but well-conducted parents, admitted on the recommendation of certain functionaries, with the approbation of a special referee who is bound to inquire into the circumstances of their condition. They are gratuitously received, supported, and trained, and, after being duly instructed, are apprenticed out to some mechanical trade.

The whole tenor of the Austrian institutions evinces the reciprocal duties of parent and child to be well observed. These duties harmonize with the affec-

tionateness of the national character. They are instilled by education, and are enforced by law. As every individual falling into destitution or indigence may legally compel support or aid from his nearest relative, not only the husband and the wife, but the father and mother, the brother and sister, become mutually bound to assist each other; and, as has been shown in a former chapter, the child omitting this duty is not only subjected to criminal punishment, but to the forfeiture of his *pflichttheil*. The obligations of the marriage vow, it may be feared, are less correctly fulfilled. That connubial irregularities are so frequent as has been sometimes represented, I believe to be an error: at all events, among the population not resident in the larger cities: but the principles of German law, as practised, not in Austria only, but in the other parts of the ci-devant German empire, are not perhaps very favourable to conjugal morality. The parties form their union too much on the footing of a mere mutual contract; and on a principle of equal independence which characterises alike its original formation and all its subsequent bearings. Not only may every unmarried female, not possessed of property in her own right, lawfully claim support from her parents, or, in case of their decease, from other relatives; but on her desiring to marry, she is, if arrived at proper age, legally entitled to claim a dower, consistent with their circumstances, from those who were bound to support her in her single state. In case of refusal of consent,

a tribunal may be called on to investigate the grounds of such refusal, and on its opinion of their inadequacy, still to decree the dower. Special settlements may be made with special provisions; but, as a general practice, the dower, together with any addition which may be made to it by succession or otherwise, remains, under the name of the *heirathsgut*, the separate property of the wife during the marriage. Its usufruct is in the husband (subject to any special stipulations) for their joint benefit while they live together: but on the death of the wife it passes to her heirs, or is disposable by her will. It is not responsible for the husband's separate debts; and in case of disagreement, the court will usually decree to the wife its full separate use, respect being had to such arrangements as may be suitable for the support and the education of children. Very few probably are the cases in which recourse is actually had to judicial interference, either in regard to the arrangement or the enjoyment of the *heirathsgut;* but the conduct of individuals in all countries is moulded by the principles, rather than by the enforcement, of law; and although institutions may be formed with immediate reference to the higher classes who possess property, yet the spirit of these institutions will pass down to those below them who have none. Thus, with high and low, a notion of mutual equality pervades the marriage contract; and independence in civil right may lead too naturally to independence in conjugal conduct, although the convenience of a participation in the stock of mutual

funds may cause the continuance of a nominal union no longer sanctioned by the confidence of affection. But there exists another species of immorality, for such too it must be called, in the great facility of divorce which is granted by German law. It is a privilege enjoyed solely by the protestants. Within the pale of the Roman Catholic communion, marriage is a sacramental obligation only to be dissolved by a special act of papal authority; which, as regards the Roman Catholic world at large, is always refused: but were this even granted, it would be of no legal avail in Austria. The Austrian civil code specifically enacts, that the union of Roman Catholics can only terminate by death; while, in regard to the protestant subjects of the emperor,* it concedes the permission of divorce on any of the following grounds: 1st, where either party has been condemned for crime to fifteen years' imprisonment; 2ndly, when either has abandoned the other, without his abode being known, and without appearing to answer a judicial summons within the period of one year from the date of proclamation; 3rd, in cases of dangerous injury inflicted on the life or health of the other; 4th, in those of repeated ill-treatment; 5th, at the request of both parties on the ground of "unconquerable aversion."

* This different application of law is a very sufficient reason among others, for the strictness of the rule that every Austrian subject shall be enregistered as of some specific religion, from which he shall not be allowed to pass to any other without certain preliminary formalities.

It is obvious that this last condition of divorce places the duration of the marriage contract entirely at the disposal of the parties; and we are bound in fairness to admit, under such a condition of circumstances, that connubial incorrectness may be more frequent in Romish than in protestant communities without any greater inconstancy of disposition. The Romanists are compelled to remain in ostensible union; but the protestants, when tired of each other, provided they have sufficient means to defray the small legal expenses, may make their new arrangements at will; and thus it naturally occurs, that divorces are astonishingly numerous at Berlin and in certain other reformed cities; while at Vienna and Munich, where protestants are few; they are scarcely ever heard of. Even in mixed marriages the right to liberation is enjoyed by the protestant partner, although it is inoperative as to the other. Among my own acquaintances in Germany, I knew a case, wherein the lady, being Lutheran, had successively espoused three husbands all living at the same time; while the gentleman first in the order of husbands, although of princely rank and title, being a Romanist, could obtain no divorce; but was compelled ever after to remain in the bonds of that marriage which was still, on him, both legally and sacramentally binding.

Taking now a general review of the Austrian moral character, its sobriety and honesty, its tone of order contentment and peace, its mildness and bene-

volence; and connecting therewith the class of faults implied by the tables inserted in an earlier part of this chapter, candour may be not disinclined to ascribe its better qualities to education and example, and its prominent apparent defects, in some measure at least, to the legislative institutions of the country. Still it must be admitted that the excellencies of the Austrian are more of a negative than of a positive description. They will be held in little estimation by the moralist, who regards virtue only as an active principle, evinced in the control of the evil tendencies of our nature, and in positive exertion for the general good. They will be highly prized, on the contrary, by him who values chiefly the milder and kindlier affections of the heart, and who considers that the well-being of man derives more detriment from the disturbances of vice than benefit from the energies of virtue.

CHAPTER VIII.

CIVIL GOVERNMENT.—Preliminary Observations—*Legislation*—Provincial Assemblies; their composition and functions in the German and Italian States: also of the Hungarian Diet Legislative edicts and rescripts of the Sovereign.—*Executive* Government. Nature and system of the principal Departments at Vienna—Civil administrations in the Provinces—Graduated organization of the system.—*Moral peculiarities*—Union of Education, Affections, and Interests in support of the State, explained—Personal character of the Princes and of the Depositaries of power—Number of Civil Servants and of Pensioners —German Bureaucracy—Preparation of Statistical Tables.

In the present condition of Europe, a really autocratic monarchy, a state of rule conducted on the mere personal inclinations and caprices of the sovereign, is a physical impossibility. In every country there is a force of public opinion, to which the sovereign must conform, or he will be overpowered in his attempts to oppose it. As education and civil rights are more or less extended, so will be the number of individuals from whose aggregate sentiments this public opinion is derived. It may reside in whole masses of population; or in peculiar classes, who exercise a preponderant power over the rest. It may be wielded in some countries by the army—in others

by the church—in others again by the proprietors of the soil, the community of traders and manufacturers, or by two or more of these conjointly; but neither at Constantinople, Petersburg, nor Vienna, any more than in London or in Paris, can the sovereign conduct his government on principles at variance with the sentiments and feelings of the majority of his subjects; or, what may be the same in result, at variance with those of the one or more influential classes, by whom the sentiments and feelings of that majority are created and directed.

In the account given of the Austrian education, will have been seen the aim and the success of the government (as regards the German states) in training public opinion to a conformity with its own principles of internal policy; in establishing in the public mind a reverential submission to authority in state and church, a confidence in its wisdom, and a tranquil contentment under its paternal sway. In tracing the march of the government, we observe a continuing anxiety to confirm these early feelings and impressions. Theories of political amelioration, when not emanating from the government itself, are strenuously repressed; while suggestions of improvement in the *material* well-being of the people are encouraged and adopted. Private interest, through a thousand ramifications, is enlisted in support of public loyalty; and the affections are engaged by the simple demeanour and unaffected benevolence of the imperial princes.

Under the Austrian sceptre, there are, properly

speaking (except in Hungary), no popular representative bodies: but in every province there is a provincial council, termed the *Stände*, or States, comprised of a considerable number of the principal inhabitants. The composition of the Stände varies in different parts of the empire, and rests on laws and customs derived from the middle ages. In all the German provinces, however, with the exception of Tyrol, these Stände or States are composed of members representing, or supposed to represent, the interests of the different free classes of which society in the feudal condition is understood to exist. Of these there are four:—1st, the clergy, or *Prälatenstand*, or *Geistlichkeit*; 2ndly, the high nobility, or *Herrenstand*, consisting of princes, counts, and barons; 3rdly, the lower nobility, or *Ritterstand*, being the untitled nobles; 4thly, the citizens, or *Burgerstand*. The number and the qualifications of the members vary in every state; but, waiving smaller distinctions, we may take the following observations as of general application. Of the *first* class, the greater number of members sit in virtue of benefices, to which they are appointed by the crown. Such, in Bohemia, are the archbishop of Prague, and his three suffragan bishops, the dean of Prague, two grand masters of religious orders, &c. &c.; in Gallicia, the Romish and the Greek archbishops, and their respective suffragans, certain mitred abbots, &c.; in Styria, the two bishops, the dean of Grätz, &c.; in Carniola, the three bishops, one dean, the parish priest of

Klagenfurt, &c.; and so on in the other provinces. To these fixed spiritual members are added a certain number of others, deputed by the chapters of cathedrals and other clerical corporations. The *second* and *third* classes contain members partly hereditary and territorial, and partly elected. Many sit in right of their entailed baronial estates, others as the chiefs of certain ancient families, some as holding specific offices, and the rest are made up of deputies elected nominally by certain individuals of their own order, in whom the right of election rests. The *fourth* class, the Burgerstand, are the deputies of the cities and towns, who enjoy the privilege of "sending members to parliament" by royal charter, and in which the right of election is exercised in practice by those close corporations, the constitution of which has been formerly explained. The number of corporations thus qualified is very various, and it is generally the more relatively great, in proportion as the crown has gained the greater ascendancy over the feudal aristocracy. Thus, the towns which send deputies are, in Upper Austria with Salzburg, thirty-nine; in Styria, thirty-seven; in Lower Austria, nineteen; and in Carinthia, fifteen: while in Moravia their number is but seven; in Bohemia, four; and in Gallicia only one. A slight peculiarity exists in Tyrol, where the higher and lower nobility form one order only, and where a fourth order in the Stände consists of deputies sent from the class of peasants, or non-noble holders of land.

The Stände meet at least once a-year, and form but one chamber, without distinction of classes; the resolutions being carried by a simple majority of votes. The president is either the governor of the province, or some other high officer of the crown: and no sitting can be held but in his presence, or that of a royal commissioner, whose sanction is necessary to all the proceedings. The session commences with the consideration of certain royal propositions, which consist, in part, of the demand annually made by the crown for the portion of direct revenue to be raised in each province. The supply being voted, or, to speak more correctly, the demand for it having been enregistered, they apportion its quantum among the different districts; and, through the agency of a permanent committee, which sits for this and other purposes during the recess, they superintend the collection in a manner which will be explained in a future chapter on the subject of revenue. They then pass to matters of local interest, either as recommended by the crown, or suggested by any individual member. Of legislative power they have none; but their administrative faculties, varying in different provinces, are always important. They have, generally speaking, a control over the application and direction, by the governor or the government, of the numerous local establishments, revenues, and endowments for provincial purposes. They make representations on all matters of local concern; and these representa-

tions, coming from such influential bodies, must necessarily have considerable weight at Vienna.

It will thus be seen that very little of the popular principle enters into the composition of the Stände. They are rather councils of the crown, than free deliberative chambers; for even the elected members, those of the lower nobles, or the towns, are in fact (through the medium of recommendation) nominees of the government, or persons who receive its sanction for their admission to the assembly. Still the general absence of political party in the German provinces relieves the government from the inducement of selecting the members from classes of distinct or exclusive opinions. They are rather taken according to their influential position, as land-owners, farmers, miners, merchants, &c., and they thus enjoy a certain, sometimes a great, degree of public confidence; while they are very useful subordinates of the government, whose policy it is (retaining to itself the faculty of sanctioning every measure) to govern the provinces as much as possible through the agency of these local bodies.

In the Lombardo-Venetian kingdom a somewhat more popular system prevails. Each of the two provinces has its assembly, with attributes and powers similar to those of the German Stände; but their internal composition is wholly different. They have neither ecclesiastical members, nobles sitting in right of birth or property, nor deputies of close corpora-

tions. The members are all elected; but through the medium of a double, or rather a triple, stage of election. The two great classes—of *Contadini*, the proprietors of land, and *Cittadini*, the inhabitants of towns—are the primary electors, the suffrage depending on the payment of a certain sum in annual taxes. These primary electors vote in, from their general body, a council of election, the members of which must possess a higher property qualification than is requisite for the primary elector himself. The council of election nominates, by vote, from the members of its own body, a certain number of candidates, and from these candidates the crown selects those who shall act as members of the Provincial Assembly; with the power, however, in its discretion, of refusing them all, and of ordering a new selection.

The composition and faculties of the Provincial Stände, at least in the German provinces, reminds us much of those of our own parliament in its early history. The doctrine still holds in Austria, that taxation is the right of the crown, but it is a right to be exercised through and by the local assemblies. The crown does not ask a supply, but intimates the amount of its wants, which it becomes then the office of the Stände to raise, according to the principles of existing law—that law, however, emanating not from themselves, but from the imperial cabinet. They can thus, as yet, charge no money-bills with petitions of grievance. Their discussions are rarely public; and, if attempted on subjects unpleasing to the crown,

would be at once repressed by the imperial commissioner. They have in appearance very little of independent action; but still they have, in practice, much of real power, and are organs through which the public voice must reach the government. The members of the Stände are necessarily in communication out of doors with all classes of the people. They are themselves persons holding a large stake in the local prosperity. When the existence of some grievance, or the expediency of some improvement, pervades the mind of the assembly, it is usual for some one or more of the members to be deputed on the subject to Vienna; and it is evident that the representatives of aristocratical bodies so combined must be influential, often even authoritative, with a government which, like that of Austria, so much dreads internal disaffection, and so much rests its power on the social subordination, and on the cohesive attachments, of the various classes of its subjects.

The adoption of the representative system for all the German sovereignties was chiefly advocated at the Congress of Vienna by Lords Castlereagh and Clancarty on behalf of England, and by the Prince de Talleyrand as ambassador of Louis XVIII., who, during his residence in England, had imbibed a very strong predilection for constitutional government. It was afterwards effectively urged by the Emperor Alexander, who was then, it is conceived, influenced by the Abbé de Pradt. The general principle was acknowledged, and has been acted on in nearly all the

German states; although, in the smaller principalities, where the influence of the sovereign and of the nobles is comparatively greater than in the larger ones, it necessarily takes the form, or rather the practice, of an aristocratical oligarchy. Prussia, "from seeming evil still educing good," took advantage of the confusion and misery introduced among her noble landholders by the French invasions, to abolish, by the strong arm of force, the most oppressive of the feudal institutions; and, under the ministers Stein and Hardenberg, gave a new character to the rights dependent on the tenure of land, although one still very unequal and imperfect. The dread of a greater evil pending over their country and themselves, wrung from the noble landlords an unwilling submission to these innovations; and from that time more has been done to liberalize the Prussian institutions, than those of perhaps any country in Europe. Still there is in Prussia no aggregate popular representation; and the excuse usually given for this non-performance of an admitted engagement, is the extreme difficulty of organizing a system which should embrace provinces so remote from each other, so distinct in language, habits, religion and laws. The same difficulty might be felt in Austria; and a further one also, arising from the social peculiarities of the population in its largest provinces. If property were made the basis of representation, the effect, it is argued, would be (property and nobility being in those provinces so much united) to establish for ever all existing aristo-

cratical privilege, against both the crown and the people. If the principle of population were adopted, the effect would either be the same, inasmuch as the power of the lords would command the votes: or, were it the reverse of this, were a deliberative body of robotters or of their real representatives assembled, they would too probably upset all property, and enter on a revolutionary course, which the government would have neither the means nor the knowledge to control. It must be added, too, that on this subject the crown acts and feels with the proceedings of the Hungarian diet before its eyes. That diet is a purely aristocratical body, omnipotent in securing to the nobles all feudal privilege, and in effecting their exemption from all direct taxation. It consists of two chambers, and the lower one is elective, composed of deputies both of counties and of towns; but of these deputies the *county* members, themselves all noble, and chosen by nobles, have alone the power of *voting*, the deputies of the towns being merely allowed to *sit* and to *speak*, but to exercise no other influence, in any decision; although, as far as my knowledge of the Hungarian *corpus juris* enables me to judge, the town members have an equal right to vote with their colleagues from the counties. The question, however, is one of much peculiarity and intricacy, and cannot be properly understood without detailed explanations.

The legislative power, which, as well as the executive, centres in the sovereign, is exercised partly in the form of original edicts, and partly in that of

rescripts, issued in reply to applications addressed by any branch of the general or provincial administrations. These edicts and rescripts, having been in the first instance forwarded to the various provincial landesstelles, and to the other functionaries whom they may immediately concern, are annually printed in a convenient size for general use; and in that form I have in my possession the whole of them from the commencement of the reign of Francis in 1792.* They are very numerous, and in many points very minute; for the crown leaves as little as possible of discretional power to subordinate functionaries—very simple and clear in their language—and through those of a more important character, especially such as relate to public education and other points, interesting the mass of the people, they are characterised by a sort of affectionate benevolence, combined with practical wisdom, which can hardly be read without a feeling of admiration. It is from these documents that the real character of the reign of Francis must be ascertained.

The *executive* government of Austria is conducted by the instrumentality of councils at the head of each department, resembling in character our Boards of Treasury and Admiralty, and transmitting their instructions through a series of authorities below, each

* I mention this circumstance only to evince, although perhaps unnecessarily, that the laws by which the Austrian people are governed are perfectly open and accessible to all.

dependent on its immediate superior. Until long after the commencement of the present century, these councils acted independently the one of the other, each being supreme in its respective branch of service; and hence resulted a want of unity and of combined efficiency, an essential weakness in the whole machine, which theories of absolute power and arrays of numerical force in vain attempted to disguise; and which led to most of the disasters in the wars against France. Taught at length by mournful experience, Francis constituted under himself a superior authority, which should extend alike over every department of the state; at the head of which he placed the Prince de Metternich, who thus acquired functions and powers which enabled him, in conjunction with the Count Kollowrat, the Minister of the Interior, to infuse an order and an energy into the whole machinery of the government, which had never before existed. The present emperor has found additional motives, in his own precarious state of health, for continuing the practice adopted by his father. He has formed a cabinet council, consisting of his uncle the Archduke Louis, his brother and heir-apparent the Archduke Francis Charles, and the two ministers, Metternich and Kollowrat; to whose decisions every branch of the service is rendered subordinate, and who thus at the present moment wield in fact all the power of the monarchy. Subject to the cabinet decisions, the immediate direction of the internal administration rests with Count Kollowrat, and the charge of its

foreign policy with the Prince de Metternich; but the old system of councils is still preserved,—that of war, finance, religion, education, &c. &c.—each of which has its chancellor or president, who may be termed the minister of the respective department, but who has no voice in the supreme cabinet council.

In the provinces, three great branches of authority exist,—the civil, the financial, and the military,—mainly independent of each other, although mutually co-operating for their respective objects when occasion may so require. Each *military* district, of which (if I mistake not) the empire contains fourteen, has a general officer in command, whose staff and other functionaries, appointed by the crown, form his permanent council, and who acts under the orders of the Council of War of Vienna. Each *financial* district has its chief of finance, with a similarly appointed council, who corresponds with the head of the department at Vienna, and who has the control of everything connected with the collection and expenditure of the general revenue within the districtual limits. Each *province* has its *landesstelle*, consisting of a civil governor, and a council of a certain number of members, who exercise all the functions of civil government, with the exception of those which depend on the financial or military branches. Many of the functions of the landesstelle have been mentioned in preceding chapters. Acting in every step under orders from Vienna, it has the general administration of the religious, charitable, educational, and

other provincial funds; the direction of the police, and the control of all civil establishments; and that kind of real power, which consists in its having a right of veto on the appointment and the proceedings of all functionaries and public bodies, single and corporate, lay and ecclesiastical, and judicial to a great extent as regards the class of misdemeanors. To specify these functions in greater detail would be merely to repeat the notices which have already been made in the chapters on Feudality, Jurisprudence, Education, and Religion. They are in every branch, excepting those of war and finance, the agents and representatives of the executive power of the crown; but on scarcely any point have they a faculty of action without previous communication with the authorities around the person of the emperor. That which the *landesstelle* is in the province, the *kreisampt* is in each of the districts into which a province is divided. It consists of a *kreis-hauptmann*, or districtual chief, who has also his council of local government; and, subordinate to the *kreisampt*, every township or village has a commissary or civil authority, who is encharged, on the plan explained in the former chapters, with its immediate concerns.

Such is the organization of this very remarkable government. In every branch wherein a government can be said to hold duties towards subjects—in dispositions for religious instruction, civil education, the administration of justice, the provision of medical aid for the sick, and eleemosynary support for the desti-

tute—as also for the collection of the public revenue, and the repression of public disorder—a series of authorities exists, descending in regular gradation from the sovereign on the throne to the humblest country village—each rendering statements, in the fullest detail, to its immediate superior, and acting under its instructions; and thus, by a perpetual circulation of reports and directions between the imperial metropolis and the extreme ramifications of the provinces, producing, as it is conceived, a unity and an energy of action through the whole political machine.

Of the administration of civil justice I have offered no specific details, as the organization of the tribunals is analogous in general character to that of the criminal courts, which has been explained. They constitute a gradation of judicial authorities, from the primary village court, through that of the district and the province, up to the ultimate tribunal at Vienna:—the faculty of appeal upwards being limited by the amount and the nature of the property in litigation; but a power of supervision being in almost every case vested in some superior authority, over the proceedings of those below. The evidence and the pleadings are written: the whole of which are consolidated and embodied by a functionary of the court into a general report, on which the judges form and pronounce the sentence. The expenses of every stage, including the fees of counsel, are strictly defined; and the usual zeal of over-regulation exhibited, with a view to prevent both procrastination and expense

But regulations of this kind seldom answer the full intended effect; and, as in every country of continental Europe with which I am acquainted, complaints are sometimes heard in Austria, of the delays and the venality of justice. It is a subject, like that of national morality, whereon a stranger can rarely have any personal knowledge; and one wherein he is exceedingly liable to be deceived by gossiping narrations, either from persons as ignorant as himself, or from unsuccessful suitors, who are too ready to complain of the fancied contrivances which have procured the triumph of their opponents. Allowing much therefore for such exaggerations, still, wherever the judges admit the parties in a suit to private conversation on its merits,—and this practice is, I believe, adopted in every country of Europe, except England*—suspicion must attach to judicial purity. Where money may not be offered, bribery under a thousand other forms may be substantially administered; and, even unconsciously to himself, the magistrate may become guilty of the grossest perversions of justice, by giving sentence under feelings of favour or hostility, which these private conferences could alone have engendered. As to the law's delay, it has been a subject of lamentation in every age and every country; and such it will probably remain, while civilization continues to complicate and perplex the mutual relations of man with man, and while the experience of human fallibility imposes the necessity of

* Of Russia, Sweden, and Denmark, I am ignorant, as also of some of the smaller states of Germany.

a gradation of appeals. It is in vain that codification attempts to fix on law the character of universal precision; or that zeal for improvement rings the changes backwards and forwards between stationary and ambulatory courts. In England the personal purity of the judges is unsullied even by a breath of suspicion, and facts are decided on by the verdict of a jury: but are these palladia of right, immensely valuable though they be, an adequate compensation for the endless delays, the anxious uncertainties, and the ruinous expenses, which in so many thousands of cases effect a real denial of justice? In France, my personal knowledge has made me acquainted with two cases, in one of which I was myself interested, wherein the judges not only formed their decision, as to the judgment they would give, upon mere private representation, before any of the arguments were heard in court, but one of the judges communicated, as a friend, to one of the parties in each case, what that decision would be, in order to give him the opportunity of a compromise or arrangement. In a third case, within my knowledge, now pending in France, one of the parties, himself an English barrister, and as such acquainted with English courts of equity, has been tormented with hearings and rehearings, issues and appeals, for more than ten years; and he feelingly expresses his envious admiration of the comparative cheapness and *despatch* of an English suit in Chancery. Of Austrian proceedings, I am happily without any personal experience; but my general impression is, that had we not before us those of

England and France, they would be considered dilatory; and they are always liable to the general suspicion arising from the private communications between judge and suitor. From the information, however, which I have derived from natives engaged in the active pursuits of life, and from the reproaches uttered by them against the administration of law in certain other countries, I am inclined to infer not unfavourably of Austrian civil procedure; and to believe that, taken in the aggregate, although susceptible of great improvement, it works fairly well, in the generality of cases, towards the ends of substantial justice.*

But to understand the genius of the Austrian government, we must carry our views far beyond the

* In Hungary the law is quite distinct from that of Austria. One of its peculiarities is, that a suit for real estate may be kept alive for ever, and never brought to issue, merely by a forensic renewal of claim once in every thirty-two years; whence it happens that there is scarcely a property in the kingdom which has ever passed from the direct descendants of the original grantee, without having, at this moment, some adverse claim attached to it. Another peculiarity, or rather deficiency, is its ignorance of commercial transactions. Bills of exchange are unknown to the law, as they are indeed almost to the trade, of Hungary; and when I was at Pesth, I heard of a case—I mention it only as I recollect to have *heard* it—of an action brought on a bill of exchange, wherein the sentence was in favour of the plaintiff, not as drawee or indorsee in legal possession, but as the person who had "advanced money on its security;" and the amount was directed to be received in equal moieties from the drawer and the acceptor, these two being held as the joint parties by whom the instrument of security was concocted!

mere mechanism by which it is impelled. We must look to those moral peculiarities, which cement it in the compactest union with the general feelings of the people. Of these, the first and most important is that alliance between the public education and the civil government, which forms one of the most peculiar features in the policy of the state. No one can hold civil office, however low, without certificates of education—without, in other words, testimonials of his mind having been moulded into that uniformity of character, which pervades the entire education system. For the inferior servants, the certificates of the inferior schools suffice: for such as are of higher station, those of the university are required (or it may be of the lycæum in lieu), generally in the faculties of law or philosophy. The doctor's degree is for this purpose rarely taken; but the certificates must set forth due attendance at lectures, the satisfactory passage through rather a strict examination at their close, and likewise the orderly and moral conduct of the candidate during the period of tuition. Neither do these certificates wholly suffice. A second examination is held by the officers of the government itself, which, owing to the increasing number of candidates, has of late years been rendered more and more severe: for, after the student from the university or superior school has passed through this second ordeal, he is not only competent to hold office, but, what is most important to observe as a vital peculiarity in the Austrian system, he is morally certain of obtaining an appointment, if such

be the object of his family or of himself. It may be some time, possibly some years, before he is appointed to a post; and that post, according to his own station in life, and to the interest he can exert, may be in a subordinate excise-office of a distant province, or in the Imperial Chancery of Vienna; but, after having been once placed (supposing always regularity of conduct), he will necessarily rise according to seniority. If his talent be conspicuous, he may be transferred from an inferior department to the tail of a superior one; or, possibly, he may be placed on some peculiar exceptive employ, of which the government has always an abundance; but, in his own department, he will pass no superior in official age; nor will any inferior pass over him. This general principle of advance by seniority extends through the whole civil service: for although the sovereign has of course the *power* to make any nominations or alterations he may please, still, were he to exercise that power in a manner inconsistent with established usage, such would be the shock to the confidence of the whole civil service, as probably in some degree to shake the stability of the government itself. Even in the constitution of the superior councils, which, although subordinate to the cabinet, form nearly supreme departmental authorities, the theoretical absoluteness of the imperial will must yield to the force of custom or opinion. On the occurrence of vacancies among the members, or on the removal or retirement of their presidents by death or pensioned superannuation, the new appointments must be made from among indivi-

duals in the lower grades of the same department; and, from the understood nature of the service, the advice which these functionaries tender to their sovereign must mainly prevail.* By slow and cautious degrees only can alterations safely be made. One most important novelty of modern years was the grant of peculiar powers and functions to the Prince de Metternich; and were that eminent statesman removed, it might possibly be not deemed requisite to select his successor, in the high post of "Chancellor of the Court and Conferences," from among the three or four individuals who by the hitherto unvaried usage could alone succeed to it: but in the *general* course of the service, were the sovereign to oppose his private will to the established march of the system, he would probably be himself among the earliest victims of the general disturbance.

Next in the order of moral causes, as operating on a public mind moulded by uniform education, is

* I remember the case of a distinguished general officer, who in private audience received the late emperor's promise of recommendation for a particular command of no very active duty. He did not obtain it; and complained. The emperor expressed his regret, with the assurance of his having urged the appointment; but that the President of the Council of War was inexorable. "You must see him," said the emperor, "and endeavour to gain him. If you cannot, you shall have what post you choose about my person, or my private domains—but I can do no more." He was not appointed; and he ascribed the refusal wholly to the president. The English reader may suppose that the emperor acted with dissimulation, or with indifference as to the object. This was not the opinion of the party interested.

the kindly nature of the public rule; and on this point it is not unimportant to reflect for a moment on the power derived by the government from the personal character of the imperial princes. The unostentatious habits, the simplicity of manners, the pure domestic virtues, and honest active benevolence of all the members of the ruling family, have procured for them a greater degree of personal affection than, in my belief, is enjoyed by any other princes in Europe. Taking them singly, we see the Archduke Palatine, amid all the political ferments of Hungary, and the diffidence exhibited by the Diet towards the cabinet of Vienna, ever resorted to as a confidential friend and adviser, even by the exalted of the liberal party. He is the general arbitrator; and I well remember, during the winter we passed at Pesth, the extreme anxiety expressed by many of my most liberal friends, on the occasion of his being attacked with an illness which, for a time, threatened serious consequences. In Styria and the southern provinces, the Archduke John is conspicuous as the active promoter of private and public good;—the founder and personally directing president of literary institutions and of agricultural societies;—the introducer from foreign lands, and the promoter in his own, of all that may improve the industry and well-being of the country. The Archduke Rainer, as viceroy of Italy, has, by his wise government and personal qualities, conciliated the Italians as far probably as they can be conciliated to any German rule.

The character, feelings, and temperament of the Italians and Germans are indeed so opposite to each other, that anything of cordial intercourse between them does not, and probably never will, exist; but the disaffection is rather to *Germany* than to *Austria;* and were Lombardy united to any other German state—as, for instance, to Bavaria or to Wurtemberg, and had she at the same time *no chance of being wholly detached from Germany*,—I have little doubt she would, like Tyrol, be seen ere long in revolt, to regain her connection with Austria, in preference to maintaining that with any other transalpine country. The other two archdukes, Charles and Lewis, being resident chiefly in or near Vienna, have been less conspicuous in active life since the termination of the wars with France; but the arts and agriculture, both in Austria and in Hungary, where the Archduke Charles is the patron and supporter of the noble agricultural establishment of Altenburg, are greatly indebted to the liberal patronage of the former; and both are respected and valued for their private excellence. The emperor himself strives, as far as his health will permit, to tread in the footsteps of his father. His habits of life are retired and unexpensive. He takes his walks among the people, accompanied by the empress, but otherwise wholly unattended; and on certain days he gives those personal separate audiences to any of his subjects wishing to address him, which, among other things, procured for his father so much of popular affection. In the

days of Francis, every farmer or petty proprietor or shopkeeper, for hundreds of miles round Vienna, who had a grievance to complain of against any officer of the government, used to get into his cart, drive himself up to the capital, and tell his story to "Kaiser Franz."* The Emperor generally received him alone, took a note of the case, and, if it were one (as was most usual) where some injustice had been done to a civilian, as, for instance, in the undue quartering of soldiers on march, or a vexatious demand of horse or man service for the government, &c., &c.,

* The mind of the Emperor Francis appears to have been moulded by the circumstances of his reign into two classes of feeling, quite opposed to each other, and both of them intense. Towards his German subjects, who had ever remained immoveably attached to him, and who loved his paternal rule, his affection amounted to little short of a passion. He was the very personification of fatherly gentleness and love. On the other hand, his experience of the devastation attendant on revolution had led him to regard political offences as sins against all mankind, and consequently more heinous than every other. Hence the severity exercised during the earlier years of peace (a severity now most essentially relaxed) in the Italian provinces; and hence the excessive rigour, which appears to have been commanded by himself, towards prisoners of state charged with seditious designs. Cases are known wherein the highest officers sought to mitigate these severities—wherein even the Prince de Metternich, with a highly honourable humanity, entreated permission to supply books from his own library (that no treasonable correspondence might by possibility be suspected) to incarcerated Italian nobles; but the benevolence of a minister, popularly supposed to be all-powerful, was defeated by a will superior to his own.

he was generally sure of redress. If the complaint were that of an officer, civil or military, against a superior, the case was indeed far more doubtful, for Francis had a horror of insubordination; but, at all events, the complainant obtained a patient hearing, and probably the expression of some reproof towards the culpable superior; although that reproof might be private, and although too the complainant might be himself the ultimate sufferer, from the consequent dislike of his commander. Nor were such the only cases which met the imperial ear. Upper and Lower Austria, and Styria, abound with stories of simple-minded men, who, in their domestic difficulties, their differences with each other, their doubts as to their daughters' marriages or their own testaments, used to go up to have a friendly consultation with the emperor, and were certain to receive from him plain straightforward sensible advice. An old friend of my own was indebted to such an audience for the very great success of a peculiarly prosperous life. His father, a small trader in Istria, had been accused of some contraband dealing, and cast into prison. Representations to the local authorities were vain. My friend, then only in his eighteenth year, set off for the capital, went boldly to the palace, and succeeded, as he believed, in establishing his father's innocence in the mind of the emperor. He was directed to return to Istria, with the assurance that justice should be done. He did return, but found his father still incarcerated. He forthwith undertook a second jour-

ney to the emperor, and made some complaint that he had been deceived. "You are in error," said Francis, "go home again, and take my word, your father will be out of prison before you reach Istria." Such he found to be the case: neither was this the only result of the spirit and energy he had displayed. They recommended him to the permanent regard of the emperor, who ever afterwards befriended him, and placed him in the course of wealth and honour.

Francis has been gathered to his fathers, but the genius of his rule remains; and, as regards the effect of individual conduct on public feeling, it is essential to observe how much that genius extends also to the less exalted depositaries of the public authority. The governors of provinces take the tone of those by whom they are appointed. Of Bohemia, I have already made mention, as one of the European countries wherein the greatest ameliorations have of late years been introduced and effected—a course of improvement owing, in great measure, to the able administration of the Count de Chotek, who, with the title of Grand Burggrave, is at the head of the local government. To those who preside over the other provinces, credit of a similar character is mainly due; and, I believe, is generally conceded. They are all civilians; as far as I have had an opportunity of forming a judgment, plain practical men, brought up in the administrative department of which they are ultimately called to be the chief; unostentatious, easy of access, and inured to habits of business.

The system of taking into the employ of the state all persons otherwise unprovided for, who pass with credit through the higher academies and the subsequent regulated examinations, renders, as it were, the government itself the general inheritance of the public. It is in accordance with the prevailing principle, which regards the sovereign only as the general father; and it contributes essentially to the compact energy of his rule, by enlisting in its behalf the *interests* of every class, in further addition to the effects of uniform training and of personal attachments. Besides the vast number of persons still of tender years, or already adult, who look forward to future provision, there are,* according to returns which I have had the opportunity of inspecting, 27,118 persons holding permanent, and 5,665 holding temporary, employ in the civil service, all of whom, from their relative station, must be presumed to have received certificates from the university or the gymnasium.

Below these are 85,774 other individuals receiving the wages of the state, as subordinate servants, toll-collectors, custom-house examiners, porters, workmen in the royal mines, royal fabrics, and all the subordinate labour of the government; the whole

* The precise figures of this and other statements in this work apply not exactly to the present year, but to that of which I had the opportunity of inspecting the details. The two or three years, however, which have since elapsed can make no material difference in their amounts, or in the arguments and inferences raised upon them.

of whom must have likewise received certificates of education, though of a lower class. Here there are nearly 120,000 persons, all educated on the same plan; all having read (as far as their respective degrees extend) the same books, and most of them probably no others; all upholding the stability of the government, not only for their own daily bread, but as hostages also for the multitude of families with which they are connected, and in a certain degree for every family in the empire; each of whom may expect similar future provision for others of their children or connexions. Neither even does this constitute the whole of their personal interest in the conservation of the existing institutions. The government deserts not its servants in their old age, nor their families after they are gone; and, considering that the rules of the administration allow of no capricious permutations or promotions, that each individual, when once placed, must serve during the whole period that nature allows him to do so, and for salaries so small as rarely to allow any accumulation of fortune; that, consequently, there can be very few unmerited pensions gained by short and transient or nominal service—the Austrian government need feel no shame of its pension-list, enormous as it is. Alleged penury of revenue, or ostentatious professions of economy, are never allowed to limit the justice of the state towards those who have served it; or its paternal care of their families when they have passed away; and hence the number of pensioners in an

official list now before me, is stated at 10,793 superannuated civil officers, 13,224 widows, and 9498 orphans of civil servants (receiving altogether among them 6,405,966 florins, or 640,596*l.* sterling), as permanent pensioners: besides which, there are 10,531 more of retired civil officers, 13,969 widows of such, and 8120 orphans, who may be considered nearly in the same light; as, although they are not on the fixed list of pensioners by right, they form that of the *Provisionalisten*, receiving among them support to the further amount of 1,060,345 florins, or 106,034*l.* sterling, per annum.

Let any one fairly consider what must be the result of this union of education, affections, and interests on the national mind, and he will have no occasion to call in to his imagination the aid of military or civil coercion for the support of the government. As far as to communicate any doubtful or ambiguous proceedings which he may witness, every person becomes an unpaid agent of police; and whether this arise from the fear of compromising themselves or their connexions by a culpable cognizance, or from sincere attachment to things as they are, the result is still the same.* Unopposing and

* Political offences are visited with extreme severity, but very rare are the instances in which natives of the German provinces have been political offenders.

unopposed, the government pursues the even tenor of its way. While Europe has fancied it to be slumbering in torpid apathy, because from Austria were heard no sounds of boisterous agitation, it has been employed in steadily, though noiselessly, elaborating institutions on which mainly depends the welfare of mankind. The reign of Francis was a period of no ordinary difficulties—blasted with the fury of foreign wars, and the embarrassments of financial penury: yet, under his active and judicious policy, general prosperity was restored; public credit established; and those great organisations of civil and criminal justice, ecclesiastical discipline, financial order, and public education systematised and matured, by the study and contemplation of which, the real character of his rule can alone be understood and appreciated.

The English reader who is aware that, in the years 1813 and 1814, the number of civil servants in the pay of the British government exceeded a hundred and thirty thousand individuals, although none of these were required, as in Austria, for royal fabrics and monopolies, or for lines of internal custom houses intervening between different portions of our dominions, will find less cause for surprise at the numerical extent of the Austrian establishments; still, in the official organization of these employés may be seen one of the greatest evils of the Austrian system. It is that *Bureaucracy*, which to a great

degree prevails in every continental government—that officious, intermeddling, all-regulating spirit, which (like, in some degree, those necessary evils, our own excise-laws) interferes with man's private business and private industry — that over-love of system, which, in the number of specious documents, fancies it obtains realities—and, finally, that jealous and cumbrous accumulation of check upon check, clog upon clog, over their own officers and agents, which, in the multitude of its contrivances for the regulation of the state-machine, sometimes impedes its progress altogether. France is greatly infected with this mischievous system.* Every German government is

* Some ten or twelve years ago, a villager in the south of France claimed the sum of six francs, the legal reward to any person who should kill a wolf. His claim was made to the Adjoint du Maire officiating in the village. By him it was referred to the Maire of the Arrondissement; by him to the Sous-Préfet of the departmental division, and by the Sous-Préfet to his chief, the Préfet of the Department. The Préfet transmitted it to the Minister of the Interior at Paris, who, admitting the claim, but not having the cash, sent it before the Minister of Finance. This last officer sent the order for payment to the Minister of the Interior, from whom it passed through all the other links of the chain, till it reached at last the Adjoint of the village; and, at the end of nine months, and after, probably, a quire of paper and half a pound of wax, and the services of a dozen employés, had been employed on the subject, the man received his six francs. Later regulations would, I believe, cut out two or three of these references; but still the system of centralisation, as it is called, the jealousy of local administrations or individual servants, the love of scribbling and filling large books, exists in France to an awful extent.

so in a still larger degree. It has tended more than all the rest of their policy to render the Bavarian dynasty unpopular among the Greeks; and although in Austria the present ministry is, to a certain extent, reforming the evil, yet a considerable period must probably elapse, and some considerable improvement too must take place in the ideas of the ministers themselves, before the many-headed hydra can be vanquished. The constantly-increasing pressure upon them of young men from the universities and gymnasiums, requiring to be provided for in the state, has induced the adoption of examinations far more rigorous than were formerly in use; and this alone will have an important though gradual effect, in reducing the number of candidates for provision: but, besides this, the government is endeavouring, in all the departments, to introduce ameliorations; and the hope may be entertained that, in so doing, they will a little un-Germanize themselves, and follow the example of more simply managed nations. When we investigate indeed the details of our own administrative departments, military, naval, and civil,—the multitude of merely formal, and, what is worse, of most fallacious and deceitful vouchers, required for the justification of the minutest public expenditure—the injustice inflicted on public servants by procrastinations of audit until the period has passed away when adequate explanations might have been obtained,—and the injuries to the service and to its members from the pretensions of conflicting authori-

ties; it may not become us to criticise with too great severity the Bureaucracy of Austria. But evils, possibly unavoidable evils, with which use renders us familiar at home, may appear in glaring relief when viewed in a foreign land; and truth, moreover, compels the addition, that those evils are in themselves much greater in the Austrian, as generally in the German governments, than in our own. A system of extreme minuteness is seen to pervade every branch of the service. The documents which were intended as checks and counterchecks become, from their number, mere copies of each other; and corruption is rendered the more extensive, and the more difficult of detection, from the complication of precautions adopted to prevent it.*

There is one result, however, of this all-prevailing activity of the civil force, which would delight the eye and the heart of the statistical amateur. Returns are procured by the government from every department of the empire (with the exception of Hungary

* In passing through the custom-house on quitting the lazaret of Orsova, on the Danube, although our party consisted only of eleven gentlemen and four or five servants,—although the custom-house officers attached to the lazaret were occupied with us alone,—and although, in their anxiety to despatch us, they worked without intermission from eight in the morning till sunset in the month of August, giving up even the hour allowed for dinner;—yet such was the copying and counter-copying, that they could not possibly clear our baggage within the day; and a part of the business remained over for the following one.

and partially of Transylvania), and on every subject relating to each, with the extreme of apparent accuracy. Not only do these returns contain every detail connected with the financial, civil, judicial, and other departments of the government itself, in all their ramifications: but likewise everything relating to foreign and internal commerce and industry—the number of sheep, horses, cattle, &c., possessed by every individual—the amount of produce of all agricultural, and manufacturing, and mining labour—the lists of new houses built, and of old ones abandoned—the "movement" of the population as to numbers, conditions, crimes, punishments and rewards, education, classification of religion and of employments, and other details almost endless. These returns are annually worked up into a body of tables, certainly the most beautiful and comprehensive of any in Europe. Those of the Swedish government are excellent, as are also the Bavarian: but the Austrian tables are superior to either; and well might a minister at Vienna say to an Englishman, "I often wonder at motions made in your parliament for statistical information, which even when produced is very defective; whereas I have no occasion to go beyond my own library for any detail whatever, however minute, of all that exists in any part of the empire." These tables are not made public. Only three or four-and-twenty copies of them are lithographed, for the use, in whole or in part, of members of the imperial

family, of ministers of state, and of governors of provinces; after which the stone is defaced;* but, as far as my own judgment of them extends, I am inclined to think the government does itself injustice in not letting them go forth fully to the world. Much, indeed, of general statistical information is allowed to be published, as derived from these sources, by persons to whom they are communicated, and this is of the most comprehensive and accurate description, as far as the subjects extend to which it refers; but still the concealment in which the rest is shrouded gives room for suspicions, often as unjust in fact as they are injurious to the character of the government. I allude especially to the civil administration and to the department of finance; regarding which it is hardly conceivable what errors are entertained by persons otherwise well-informed. I remember certain details communicated to me by a personage bearing one of the highest princely titles in the empire, which, coming to me from such a source, I naturally credited, until, by my own inspection of official records, I perceived that they were utterly erroneous. The government, however, act perhaps wisely in withholding for a few years longer (and they anticipate that this expediency, unless unexpected inter-

* There are, besides, twenty or thirty tables regarding the private revenues of the crown, the position, actual force, &c. of the army, and some other recondite details, of which only five or six copies are taken, and these allowed only to the emperor himself, and two or three cabinet ministers.

ruptions should occur, will last a very few years only) the publication of their financial and other accounts. They are conscious of errors committed in years gone by, financial, commercial, and administrative. The events of the wars with France, including the double occupation of the capital itself, have inflicted wounds on the empire, which have not yet been wholly cicatrized. Important defects exist, especially in the revenue system, in the working of the mines, the management of the royal monopolies, domains, &c., which are still only in course of gradual removal. Economical too, rigidly economical, as it is sought to render the government expenditure, still no great reduction can be made in that of the civil service, while the number of employés and of pensioners continues so great; and this burden can only be reduced in the ordinary course of nature, since, be the cost what it may, the state will not break its faith with those whom it has received into its service, or frustrate the just expectations which it has itself created.

CHAPTER IX.

PUBLIC POLICE.—Its Organization—Expense, excellent Conduct, Unobtrusiveness, and Efficiency—Rules as to Foreigners at the Frontier and in the Interior — SECRET POLICE — Misconceptions generally entertained — POLICE OF THE PRESS — General Principles—Censure on Native and Foreign Literature, and its effects—Great indulgence as to Foreign Books and Journals—Difficulty experienced by Natives in obtaining permission to Travel.

THE subject of Police, whether as regards the person or the press, has been hitherto alluded to only as it has borne on others which have been under more immediate consideration. It is one, however, of such great importance in itself, both as illustrating the nature of the government and the training of the people, that I have conceived it desirable to devote to it a separate chapter.

In *Hungary*, the public police, such as it is,—in other words, the conservation of public order,—vests in the municipal bodies, for all that regards the interior of the cities and of those towns which have become entirely free; and elsewhere for the kingdom at large, either in the functionaries of the manorial

lords, or in those appointed by the nobles of each county assembled in periodical meeting. In the *German States* the municipal bodies have a general police jurisdiction within their respective boundaries; and in the open country, especially in the northern provinces, much of this authority vests in the functionaries of the manorial lords, who, as formerly stated, have a power of inflicting punishment for infractions of the public peace, to the extent of three days' imprisonment or fifteen blows. The crown, however, ever in conflict with feudality and privilege, has succeeded in gradually abating, or rendering subordinate to itself, the greater portion of real power formerly enjoyed by the municipal and manorial agents. In the administration of police, as in that of finance, education, and religion, it has constituted a regular system of gradation, descending from the Director-General of Police at Vienna to the landesstelle of each province, and from it to the kreisampt of each district. In the principal cities and localities of large and general resort, it has erected police establishments concurrent with, or superior to, those of the municipality or the manor; and, connected therewith, it has formed an armed police force, which is partially distributed in the more important places, but of which the aggregate number cannot be great, since the whole of that stationed in Vienna consists only of 610 men, including 40 of horse patrol. In *Italy*, the Austrians have continued much of the system of their predecessors the French, accompanied with an

increased degree of unpopularity, although less of actual severity or restraint. Two especial regiments are there kept up for police service: the one for the province of Milan, and the other for that of Venice; and the entire conservation of public order in every grade rests with the government authorities. The regular troops are, in the Austrian dominions as elsewhere, brought in aid of the police when necessity so requires; but, as in England, they are in such cases subordinate to the civil functionaries. The police duty of the frontier generally, and especially that of preventing contraband, is performed partly by the armed police, partly by the regular troops, and partly by an armed custom-house or revenue force, acting under civilian orders. That the whole police establishment of the empire is not considerable, may be inferred from the fact, that its entire expense is only 1,643,500 florins, or 164,350*l.* sterling per annum; although in this sum is included all charge for equipments and support of the two Italian regiments; of the armed force in the German states; all salaries, from the 15,000 florins paid to its chief at Vienna, down to that of the lowest employé; and all the pensions to retired servants, widows, and orphans, in this branch of the service.

In the larger cities of the German provinces, some portion of the armed police is stationed in the different districts; and the mounted guard, where (as at Vienna) they exist, do the usual service at the entrance of theatres, and in patrolling the streets during the

night. The cities being divided into districts, a civilian commissary of police is established in each, as also one or more in the smaller towns and the watering-places; and these functionaries exercise a quiet, unobtrusive, but effective, supervision over all that passes within the range of their respective localities, excellently preserving public order and decorum, without any external appearance of restraint. Nowhere in the Austrian states, not even in the large watering-places, is public gaming allowed or practised. Vagrants and mendicants are at once removed to workhouses; and persons unable to render a satisfactory account of themselves are liable to be treated as vagrants. For individuals of this description, receptacles exist in the cities, of which that at Vienna may be taken as a model of the rest. No persons charged with crime are admitted, nor those convicted of misdemeanors; but such individuals only as are deemed, from looseness of general habits, likely to fall into crime. The inmates are employed in various kinds of work; and, although committed for longer or shorter periods, are in fact liberated only when it is deemed that they have acquired industrious habits adequate to their future provision. Connected with this House of Industry is one of those separate establishments for the reformation of young persons, male and female, of a higher class, which have been formerly mentioned,* and which are conducted on a plan quite analogous to the general character of Austrian

* Page 184.

institutions. To it the father or the guardian may send the unruly youth, or the wayward damsel, at that period of life when fault is not yet hardened into habit; and where each, in a separate room, is taught, by instruction and solitary confinement, the duties of order and obedience. The stigma of imprisonment is avoided by the names of the parties being concealed from all except the director of police, and the intendant of the establishment. All expenses of board and apartments are borne by the parents or guardians, and no one can be received but by special order of the director of police, privately granted, after learning the names, and judging of the circumstances of the case;—a precaution by which it is sought to prevent vindictive or capricious severity.

Were it not for the order and security everywhere prevailing, a stranger might hardly suppose, beyond the walls of the cities, that any police existed except only at the frontiers. In no continental country have I ever travelled, in which, except in the provincial capitals, is so little of it either seen or felt. We have been for long periods perambulating Bohemia, Upper and Lower Austria, Styria, Tyrol, &c., and in no place, except at the great watering-places, was even a note taken, as is so usual in France and Germany, of our names or destinations; while we diverged by high-roads and cross-roads, with the same unobserved facility as would have been the case in England. Saving at baths and provincial capitals, passports were never demanded; and even when, on returning from cross into post roads, our passports

were offered, (as I had generally found necessary under similar circumstances in France,) in order to obtain post-horses, the postmasters refused to look at them. We saw no gend'armes; scarcely any military; and all conspired to impress on us the conviction that we were among a well-governed and contented people.

As regards foreigners, some strictness is evinced at the frontier, which may depend in good measure on the appearance, the conduct, and the passport of the stranger. The visa of an Austrian diplomatic functionary of higher rank than that of consul is requisite for the passport in every case; but even when provided with such a certificate, especially if the stranger come in humble guise, and without any commercial or other object expressed in his papers, he will be probably viewed with suspicion. He may be interrogated as to the motives of his journey, and the probable length of his stay. His baggage and papers may be rigidly examined, and himself required even to give the name of some banker or other respectable resident, as a referee in the town to which he is going; and, moreover, this referee may be applied to, (and such, I am told, is of frequent occurrence,) to declare whether, from his credits or otherwise, he may be considered as a person competent to pay for the expenses he will incur.* Englishmen I believe

* This latter precaution is avowedly taken to prevent persons of doubtful appearance and character incurring debts in the country, or remaining paupers in it. It is not confined to Austria. A very

to be less subject to such annoyances, generally, than other persons; though I have met with some, whom I believe to be of much respectability, who were so disgusted with them, as to return to Saxony, instead of going forward to Vienna; and the demand for the name of a banker I have been assured to have been made even in the case of large and opulent families, travelling with a considerable equipage. As to ourselves, no question of the kind was ever asked, although we had occasion several times to cross and recross the frontier, in various directions: nor, indeed, was any other query of any kind addressed to us, except as to our immediate destination, with a view to the necessary visa, and as to our possession of books or tobacco; in regard to which, our reply, that we had none of the latter, and such only of the former as were requisite for our own use in travelling, was deemed perfectly satisfactory. It must be borne in mind, that the policy of Austria—and every sovereign state has the right of adopting such maxims of internal policy as it conceives most advisable—is not favourable to the general admission of foreigners. The necessity of international courtesies, and the fulfilment of reciprocal treaties, render it impossible for

A very respectable English gentleman told me he had been asked to give a similar reference at Berlin: the officers of police telling him, with much courtesy of manner, that the only object in view was (he being alone) to provide against the contingency of his being taken suddenly ill, and dying: in which case the government would wish to know who should receive his effects!

her to exclude them; nor has she even any inclination to do so, as regards those who have in view commercial or other practical objects: but she shrinks from the exciting influence of foreign opinions on her own tranquil and paternal system. Desiring to avoid interference, from any quarter, with her plans of progressive internal improvement, she especially dreads all that may impair that union of public feeling which forms the strength of her rule—all that may tend to disturb the tranquillity of the people and the confidence of their rulers. Hence she is not desirous to encourage the visits of strangers to her dominions. Let an English gentleman, however, with a fair external appearance, with his papers in order, especially bearing the passport, not of the French Agent in London, but of the English Secretary of State, which is more essential in Austria and Italy than many persons suppose; let him conduct himself with the proper courtesy due from all, and especially from foreigners, towards officers discharging a mere public duty; let him either by his own knowledge of the language, or by that of his servant, be able to prevent misunderstandings, and conform to local usages; and he may rely, as far as our own experience enables me to judge, that he will have little trouble from the police, at the boundaries, or most probably any where else, in the German or Hungarian States of Austria.*

* The exception to this observation is in cases wherein suspicion may be entertained that tobacco is concealed; and this may

In regard to foreigners entering *Hungary* from Vienna, a jealousy is there evinced, which is very unmeaning, since it is quite inoperative. I have known families in Bohemia, wishing from thence to enter Northern Hungary, with a view of seeing a part of that kingdom before proceeding to Vienna, who experienced neither delay nor difficulty, nor even any interrogatory from the Bohemian or Moravian authorities, in carrying their intention into effect. Yet, in the capital itself, permission is not given to visit Hungary without certain previous formalities; and it is often positively, although quite ineffectively, refused. In our own case, we went in person, on our arrival at Vienna, in conformity with established rule, to the head public office, where we were received with great courtesy, and one question only asked,—"Did we wish to go into Hungary?" "Yes," was the reply, "but not until we have passed some little time at Vienna." "Will you then have the goodness to give me a few days, at any rate one day's notice, before you intend to go?" "Certainly." Accordingly, when we were preparing to start, I called and mentioned, that in about a week we

attach to all persons entering the other states from Hungary. Twice, as I have elsewhere had occasion to observe, it occurred to ourselves. The one time at the gates of Vienna, which we were approaching from Presburg; the other time in Istria, which we had entered from the Hungarian territory of Fiume: but on neither occasion was an examination persevered in, after distinct denial of possessing any of the forbidden article.

should wish to go down into Hungary. "Do so whenever you choose," was the answer of the police official. "Do not take the trouble of calling again,—but send the passports by your servant, the day before you wish to leave Vienna, and they shall have the visa." Such was not the case with two other English gentlemen who had applied to the office some weeks before. To them the permission was refused—on what grounds I know not, unless it were that they were youthful, which might be motive of suspicion to the seniority-loving Austrians: but be this as it may, the result evinced that such precautions, like many other official doings of the Austrian government, are merely formal and ineffective—and consequently tend to discredit the authority, by which they are attempted or pretended to be enforced. The two gentlemen did, as any one may do, fulfil their intentions in spite of them. They took passports for Constantinople; which, now that a regular communication by the Danube is opened, cannot be refused. Once arrived in Hungary, they were beyond the reach of Austrian routine and Austrian police, and enjoyed the facility of travelling wheresoever they chose. They then returned towards Vienna—and were willingly admitted again into Austria, by a government who were well content to receive back out of Hungary, travellers whom they had never wished to have gone into it.*

* I was acquainted with a Piedmontese nobleman, who, being at Vienna, wished to see Pesth, but to whom the passport was

On the subject of a *secret police*, of which much has been written and imagined, it may be requisite to make some separate observations. That such exists in Austria, as it does in every continental state, and as it did in England during our long contests with France, is a matter which, to a certain limited extent, is true: but those persons are in my mind greatly to be pitied, whose credulous imagination takes the alarm at the fancy of agents in disguise, ever haunting their footsteps, and watching their conduct. As regards the natives themselves (I confine myself, as usual, to the German provinces), no country in Europe, probably, stands so little in need of secret paid police as Austria. The education and habits, the interests and affections, acting as I have explained in former chapters, establish the principal agency of police in the tone and character of the public mind; and thus create a far more powerful engine, than money could ever procure. The stranger who has moved for a time in respectable or elevated society, may find himself, without apparent reason, shunned and forsaken by his former associates; and he will be inclined to ascribe the change to denunciations made to the police by secret agents, of sentiments he may have uttered in the social freedom of

similarly refused. He took his passport for Constantinople, went to Presburg and Pesth with a friend of mine, and returned in ten days to Vienna. It is probable that the experience of its inutility may ere this have induced the government to abstain from such unmeaning prohibitions.

private intercourse. The case has not been a very unfrequent one—and in truth the expression of the supposed sentiments *has* been the cause of the exclusion; but not the denunciation of them to the police. There has been no paid agent present—no person in the employ, or the particular confidence of the government—but the tranquillity of the Austrian mind has been disturbed and alarmed by the breath of liberalism; and, if the opinions expressed were exceedingly hostile to the established notions of loyalty and feelings of confiding attachment, it may possibly, though not probably, have occurred, that every one of the company was, as far as giving a private intimation on the subject to some public functionary, a secret agent of police. Should opinions of the character alluded to be held forth in coffee-houses, or places of public resort, a denunciation would almost inevitably be the result—but still not made probably by any specific police agent:—and the denunciation might be followed, too, by summary expulsion from the Austrian territories. It is not however intended to be denied, that, especially over foreigners, for a greater or less time after their arrival, a certain degree of surveillance may be usually exercised by actually paid agents; although, as to ourselves, personally, nothing ever occurred to raise a suspicion of such being the fact—and indeed, so much the reverse, that, from the crowded state of Vienna at the time of our first arrival there, I was often myself put to considerable

inconvenience, from the difficulty of procuring the service of those attendants, to whom the secret agency is supposed generally to be committed. I conceive the fact to be, that strangers, regarding whom suspicion from any cause exists, who may visit doubtful persons, or hold doubtful language, are watched; but let a person show that he comes for purposes of real business, or merely with a curious interest in viewing remarkable objects,—let him visit only at well-reputed houses, and have no suspected associates,—and I believe that, after the first few days at any rate, the police will not deem it worth their while to pay any attention either to his movements or his pursuits.

We now come to the *Police of the Press*—a restraining power which extends over all works printed within the empire, and over foreign publications imported into it. The exercise of its functions is quite in unison with the general character of the government. It seeks to preserve tranquillity, by the exclusion of whatsoever may excite doubt or discontent, discussion or comparison; and, while its ostensible jealousy in some respects enforces this principle with an absurdity of rigour, its paternal laxity on the other hand allows, for private convenience, every species of indulgence. It weighs oppressively on native talent, while its prohibitions against the products of foreign genius are in good measure unreal formalities.

Twelvê censors are established at Vienna, by some one of whom must be read and approved every manuscript proposed to be printed; and if it be the case of an Austrian reprint of a foreign book, then the whole of the book must be equally supervised. In the provinces, a faculty of licensing mere ordinary publications rests with local functionaries; but every work, and indeed every passage, having a political tendency, must be referred to the authorities of the capital. The censor having received the manuscript, exercises his own taste and judgment in the erasure or alteration of such passages as he disapproves; and, being generally some phlegmatic personage, well imbued with the genius of the government, one great object of his care is to exclude all expressions which might appeal to the imagination or the passions of the reader. Thus, a case was mentioned to me, of a work treating of conflicts quite unconnected with the Austrian empire, where the expression "heroic champions" was cut down to "brave soldiers;" and "a band of youthful heroes who flocked around the glorious standard of their country," became, "a considerable number of young men who voluntarily enlisted themselves for the public service." I was even informed by a learned professor at a foreign university, that the Austrian reprint of a scientific work whereof he was the author had been suspended, until he consented to the removal of a passage, expressing among the me-

dicinal qualities of some plant, that it was occasionally used for an immoral purpose.

The effect of this jealous and mischievous system may be easily conceived. An appeal is indeed allowed from the censor to the minister; but this is rarely more than a mere nominal privilege; and the delays and procrastinations connected with the revision of manuscripts is a greater evil, than even the mutilations themselves. A twelvemonth may probably elapse, before an octavo volume is pronounced sufficiently orthodox to be published;—the supervision of the censors is in many cases delegated in part to their confidential subordinates;—and the result of the whole is, that, save mere practical works on the arts and sciences, philosophy and theology, statistical treatises, and history sobered down to the mere recital of facts, very few are the publications that emanate from the Austrian press. The wings of imagination are pretty closely clipped by education and early habit; but, should they ever perchance expand and soar aloft, they usually take their flight across the Austrian frontier, and alight in the more congenial regions of Leipsic, Nuremberg, or Stutgart.

In regard to all printed works, the avowed principle of the government is, that no work shall be allowed to circulate within the empire, unless either printed under its censorship, or sanctioned by its police. And this principle extends to engravings, lithographs, and even to manuscripts; when, as has

been attempted in Hungary, the laws against printed publications are evaded by the circulation of written papers having a political tendency. The great anxiety which was felt at the period of the French revolution, to exclude the productions of the democratic and deistical press, caused the enactment of the severest regulations. By an edict, issued in 1798, "his majesty directs that in future not a single book shall be left to a foreign traveller by the custom-officers, but that they be always sent to the nearest book-revision office, or to the kreisampt;" and as this and similar edicts have never been formally repealed, a power remains with the examining officers at the frontier, which I believe to be sometimes, although not often, vexatiously used; but still it is a great error hence to suppose, that *foreign* books are in practice excluded, or that it is even intended they should be so. While the letter of the law remains unchanged, the booksellers find no difficulty in importing, under the direct sanction of the police, whatever books they please; the restrictions in their case being mainly on the manner of the sale, the practice as to which is very characteristic. Fixed public rules on the subject there are none—a sort of discretionary faculty rests with the police, which may be differently exercised according both to the difference of locality and of individual character: but, generally speaking, foreign books are practically considered as of three classes. The first class, those considered purely innocent, may be exposed at the windows, in common with Austrian

publications: a second class of more doubtful character may not be seen at the windows, lest the good Austrians of the common ranks be led into temptation—but may be kept in the shops to meet the eyes of those more literary persons who frequent them: a third and still more objectionable class are not allowed the chance of meeting the eye at all,—but may be kept in a magazine apart, to meet the demand of persons who actually apply for them out of their own mere will and previous knowledge. I remember asking one of the first booksellers at Prague for a copy of Lord Byron's Works, and was answered, that it was a "prohibited book," on account of some of the notes which were very offensive to the Austrian Government; and that, consequently, he could not let me have it till the following day, as it was deposited in a separate magazine. It is in such cases as these, that a foreigner, judging merely from appearances, may suppose the booksellers to vend publications in opposition of the intention of the government, while in fact they may be only carrying these intentions strictly into effect; and another kindred error is founded on a circumstance which sometimes, but I believe rarely, happens, that the books of a traveller are rigidly examined at the frontier;—possibly taken from him, in pursuance of the order quoted above, to be restored at the first provincial capital to which he may be going. Nothing of the kind occurred to my brother or myself, although we have crossed and recrossed the frontier very many times, either singly or together; and

I believe, when it has happened, it has been not unfrequently the fault of the travellers themselves, especially of English travellers, who, compelled to submit to fiscal regulations at our own frontier far more severe than any I have experienced at any other, too often affect a contempt of the rules and functionaries of foreign states, which they might in vain attempt to display at home. On the other hand, however, the letter of the regulations does afford to the employés an arbitrary faculty, and a power of inquisitorial annoyance which may be too easily abused. An intermeddling spirit will, at times, unduly interfere,—books will be seized and sealed up, to be restored at a neighbouring place—and the proprietor infers that foreign works are prohibited in Austria, when in truth they are only subjected to the idle and vexatious formality of an official supervision, by some functionaries probably ignorant of the very language in which they are written, and are then restored to their owner.

Of *Newspapers* containing political information, two only are published at Vienna, and one, or perhaps two, in most of the provincial capitals; all of which are under strict censorship. Of home intelligence they contain scarcely a syllable, except official appointments, the ordinances of government, statements of authorised public bodies, and the movements of great personages: but of all that passes in foreign countries, they are allowed to render a tolerably fair

and full account. Thus it is, that in the "Austrian Observer," or the "Vienna Gazette," may be read in abstract the debates of the *British* parliament, with translations of a few principal speeches, in which respect equal justice seems to be rendered to those of Lord Melbourne and Mr. Hume, as to those of Lord Lyndhurst and Sir Robert Peel: but of the discussions in the *Hungarian* diet, which is sitting within fifty miles of Vienna, never is any report permitted to be rendered. Of *foreign* journals, none are allowed to be circulated in coffee-houses or public reading-rooms, but such as are specially authorized by the government; and these are few in number: but it must be allowed that the selection evinces no disinclination on the part of the state, that full and impartial intelligence should be conveyed to its subjects. One of the authorised papers is the Allgemeine Zeitung or Augsburg Gazette, probably the most general and authentic record published in any continental country, of all European concerns. Another is and always has been, our own "Times;" and it is a remarkable and creditable fact, that however the political views of that journal may have varied with circumstances, however it may, at certain periods, have indulged in sarcasm and invective against Austrian ministers and Austrian policy, no interruption took place in its free circulation.

It is essential to bear in mind, that for private use, every article prohibited general importation, whether it be French wine, or British cloth, or foreign books

and papers, is allowed to be introduced by a special permission from the custom-house or police; and that this permission, as regards books as well as every other article, is, except in very peculiar cases, never refused. If the work be in very bad repute, very declamatory or argumentative against kings or clergy, the importer may be required to engage that he will not lend it to others: but the work itself he will have, whatsoever it may be. I was acquainted with a young officer of a cavalry regiment, who had a fancy to receive the most violent and democratical of the Paris papers; papers of that class which have, of late, been chiefly suppressed by legal prosecutions, and in which the Austrian emperor and princes used to come in for a share of ridicule and abuse almost as frequently as Louis Philippe himself. My young friend was what may be called a Pole by birth, being a native of Gallicia, which, in language, sentiments and wishes, is still Polish. He was stationed in Hungary, and was youthful and ardent in all his feelings and conduct. If jealousy existed on the part of the government, not in its formalities only, but in its real policy, this was assuredly a case for its operation. Yet the permission was granted, as of course, and the offensive papers regularly delivered by the post. I knew another instance of a gentleman in the habit of receiving "Galignani's Messenger," who applied to the governor of the province in which he resided, for an order for its delivery immediately on the arrival of the post, without awaiting for the very

tardy distribution of the letters. The answer of His Excellency was, "I am sorry I cannot oblige you in this instance. If you choose to have any prohibited paper, I will give the order, and you will receive it as soon as the post comes in; but 'Galignani's Messenger' is in the list of permitted journals, and therefore I cannot interfere with its usual course of delivery." Thus, in one way or another, the Austrians are well enough informed of what passes in other countries, especially England and France; perhaps indeed as perfectly, as their own apathetic indifference would allow them to be. Not in the great towns only, but in the secluded alpine valleys of Upper Austria and Styria, I have been sometimes startled at a question respecting points of our mere domestic English differences; and I remember when we were once changing horses at a small Styrian village, the minister of the parish convinced me in a few minutes casual conversation, that he was tolerably acquainted with the arguments on both sides, on the subject of the ballot.

All these circumstances evince what may be observed in so many respects, of the march of the government in the German provinces, that a formal severity is combined with a substantial indulgence—a kind of ostentatious jealousy thrown over a real and confiding indifference. On one point, however, that of permission for its subjects to travel in foreign lands, the state police is strict and severe; and its practice herein is quite in accordance with that

general principle, which we may observe running through all its details,—a desire to promote the material prosperity of its subjects, without endangering their tranquil contentedness of spirit. It throws no impediments in the way of travel, where the object is specific and practical; but it greatly disapproves of wanderings, especially into countries differently constituted from its own, where curiosity only is to be indulged, or ideas and habits acquired which it conceives may lead to future discontent. Thus bankers, merchants, artists, and all of whom it may be supposed that real business is the object of their journey, receive passports without difficulty, to go whithersoever they please. The same is necessarily the case with members of those highest and wealthiest noble families, whose commanding influence cannot be resisted; but, with regard to the inferior nobles generally, and to persons living without occupation on their private means, the passport to cross the frontier is very generally refused. I have known gentlemen of these classes who have been for years suing in vain for permission to make a tour in England and France. One of them, after three years' delay, obtained at last the passport, through a special channel of interest connected with the empress. In another case within my acquaintance, a lady and her son, Hungarians, wished to go to a watering-place near the frontier, and thence to make a tour beyond it. The passport was granted to *both*, to go to the watering-place, but to the *old lady only* to pass the frontier; and, of

course, both returned home re-infectâ. Permission to travel in all directions *within* the empire is freely granted to all, and the further prohibition is often defeated (as such restrictions must ever be) by the police officers on the frontier allowing persons to pass and to return, without the knowledge of the government. Sometimes private nobles have taken passports under the designation of merchants, which, if not personally known, they probably procure at once; but this is of no frequent occurrence, since, independent of the inconvenience of detection, the great objects of their travelling are probably thereby defeated. They must remain in comparative seclusion abroad: they cannot address themselves to their ambassador; and consequently they can neither have access to society of the higher ranks, nor to those institutions and objects for which any special introduction is required.

CHAPTER X.

ARMY.—Various Character of its component Parts—Divisions of the Empire for Military Purposes—Rules for Levies in each, and Duration of Service—Numerical Strength—Military Code—Organization of a Regiment as to Officers, and Details of Regimental Service—Record of Conduct—Purchase of Commissions—Duties of Captain—General Character of Officers—Privates—Structure of Courts-martial—Punishments—Privates' Pay and Allowances—Comparison of Infantry and Cavalry—Rules as to Marriage—Pensions—Hospitals and Asylums—Reserve of Equipments in Store—Dispatch of Levies—Military Force in 1814.—NAVY.—Its Character and Extent—Port of Pola.

IN the accounts which have been generally given of the Austrian army, the discipline has been admitted to be excellent; but the system by which that discipline is preserved has been very variously described. By some it has been stated to be very lenient, by others very severe; and neither of these representations is incorrect. No distinct armies can differ more in character and temperament, than the troops derived from the various regions of which the Austrian empire is composed; and it follows, as a matter of just consequence, that, in accordance with the genius of the individuals, must be the system of management

under which they are governed. The soldiers of the German provinces are mild, docile, sober, and obedient; and in regiments composed of these, the discipline is easy and the punishments are few. A greater degree of control is necessary over the Italian levies, who have more of quickness and of talent, but are with difficulty restrained from disorders, arising not from harshness and violence of character so much as from the great absence of moral feeling. The Croats, Sclavonians, and other natives of the "Military frontier" make excellent soldiers, when removed from their own districts, for endurance in march or for energy in battle; but they are given to habits of intemperance, and of that rude violence, which borderers on the frontiers of half-civilized countries naturally contract. The most excellent of the Austrian troops for active service, and the least tractable for garrison duty, are the Hungarians. They are addicted to theft, drunkenness, and other kinds of rude crime; and so vindictively ferocious are they, that in their tavern meetings quarrels and even murder* continually occur. In these regiments the punishments are most numerous and most severe. The Hungarian recruit or conscript, accustomed from his boyhood to the blows of his feudal superiors, can be governed by blows only in his future life; and attempts made by officers of my acquaintance who had

* In a single Hungarian regiment thirty-seven murders were perpetrated within eighteen months.

been transferred from German to Hungarian regiments, to introduce in these the milder system of Austrian treatment, led only to results which compelled a recurrence to the accustomed severity. Yet one high military quality results from this flagellating education of the Hungarian peasant. Habituated to regard his lord as a being of superior nature, he instinctively transfers towards his officer the same feeling in the hour of peril. His eye marks his commander, even although the word of command should not have reached his ear. He shrinks from no assault, however desperate, where his officer leads him on; nor abandons any position, however untenable, if his officer does not first retreat.

For military purposes the empire may be considered as forming four principal divisions,—Hungary—the Military Frontier—the Italian Provinces—and the German Provinces; each of which yields its contribution to the military force, under different rules and circumstances.

1st. *Hungary* grants to her sovereign a fixed force of 64,000 men, comprising about 17,000 cavalry, raised from the class of peasants; which force varies not in war or in peace. It is raised under the peculiar laws of that kingdom; and voted from diet to diet, accompanied with the supply of a specific annual sum of 5,000,000 florins, or 500,000*l.* sterling, for, or rather towards, its equipment and maintenance. The men were formerly raised in a cruel and barba-

rous manner, by the petty magistrates (all native Hungarians) of the towns and villages; but a more regular system of enlistment and ballot has been now adopted, and the recruits are furnished with as little pressure on the population as in any other part of the empire. Every time the diet grants a levy to complete the 64,000, it enacts the duration of service as it thinks fit. The latest vote upon the subject fixes it at ten years: but in this, as in some other respects, the Hungarian soldier has peculiar advantages. After the period of his service is over, he is not subject ever again to serve in any capacity whatever; and if, at any time during his term of service, he succeeds to a "peasant's holding" (the nature of which has been described in Chapter II.), or even becomes (by death, for instance, of an elder brother, and the decrepitude of a father) necessary to the proper cultivation of such "peasant holding," he has a right to his immediate discharge. In time of war, the crown has further the constitutional right of calling forth the "Insurrection of Nobles," on the legal principle that every Hungarian noble is bound to yield military service; and this right was exercised in fact three times, during the late wars against the republic and empire of France: but, from the delays that occurred, the constitutional restrictions, and the defectiveness in point of military organization, it is not probable that the "Insurrection" will ever be called forth again.

2nd. *The Military Frontier.*—This district, with its population of more than a million of inhabitants,

is a permanent source from whence an army may be raised in any emergency, with little more than the word of the order. The organization there is purely military; and forms one of the most singular political phenomena in Europe. The surface of the soil is divided into seventeen districts, each of which is termed a "regiment;" each governed by a "colonel," who, with his staff and subordinate officers, has, except in a few privileged towns, the entire administration civil and military. Two regiments form a brigade; these brigades again form four great divisions, each commanded by a high general officer, whose head-quarters are at Agram, Peterwardein, Temesvar, and Hermanstadt; and who receive their orders direct from the minister and council of war at Vienna. The land is parcelled out into small military holdings, descending according to peculiar rules of inheritance. The inhabitants on each holding, who are generally, but not always, relatives by blood or marriage, although often in great divergence of degree, form what is termed a "*House Communion;*" which is subject to the rural and domestic control of one chief, who, unless in case of personal defects, is the oldest of the family. Every male is in a greater or less degree trained for military service, and is liable to be called on to serve, with certain distinctions as to class, from the age of 18 to 60, within or without the kingdom: with this distinctive difference, however, that while serving within the confines of their own "regiment," they bear their own expenses of food

and clothing; the whole of which expenses fall on the crown from the moment of their passing beyond its limit. Of these borderers, who are located along the entire line of Austrian frontier towards the Turkish dominions of Bosnia, Servia, Wallachia, and Moldavia, the larger portion of males are only exercised in arms from time to time, and are habitually occupied in the cultivation of the soil; while a smaller portion, selected according to the numbers and ages in each house communion, are devoted to the permanent military service. These last, in time of peace, usually amount to from 50,000 to 60,000 men. With the exception of a very small portion of them, stationed at the head-quarters of the regiment, they remain mostly in their houses, save when taking their turns of the actual service. From them are detached the 4000 or 5000 men, who constantly mount guard, day and night, along the extreme frontier, and who are relieved generally once a fortnight; and so perfect is the system, that when any alarm is given, either by the firing of signal guns or the burning of beacons, the whole body of 50,000 to 60,000 men are assembled in a very few hours. Such is the ordinary detail of service in time of peace; but on any emergency a force of probably 200,000 could in a short time be brought together, armed and equipped, whereof the greater portion would be immediately disposable for any service.* By the progress of

* This is of course supposing an abstraction from agriculture, of all males fitted for military service.

education, and an excellent, though very severe, administration, the government seeks to improve the character of these borderers; but, taken generally, they are a rude and ferocious class of men, bad cultivators of the soil, and given to idleness and intemperance. They are not however ill suited to the wild service of the frontier; and, as I before mentioned, they form hardy and useful soldiers when removed from their homes.

3rd. *The Italian Provinces.*—In these, all males, whether noble or not noble, are registered for military service at the age of eighteen, unless exempted by constitutional debility, ecclesiastical destination, or a very few other specified causes. From those thus enregistered, the number required are taken by ballot; but are allowed to serve by approved substitutes, for whom, however, it is often requisite to pay very considerable sums. The period of service is only eight years; after which the soldier is entirely free, there being neither in the Italian provinces, nor in Hungary, any Landwehr or army of reserve. The *Tyrol* is on the military system of the Italian provinces.

4th. *The German Provinces.*—Here the principle is adopted, that all males, *not noble* nor *clerical*, and not exempt from other causes, are liable to military service when called on, from the age of eighteen to forty-five, either in the line, or in the supplemental or reserve force termed the Landwehr: with this modification, that those who have served fourteen years in the line are not retained in the Landwehr

beyond the age of forty. In carrying out this principle, the persons of the requisite ages are enregistered in two classes; the first class comprising those from eighteen to twenty-eight, the second from twenty-eight to thirty-eight. The usual mode of increasing or diminishing the force is not by altering the number of the regiments (although this also has been done in regard to two or three since the peace of 1814), but by augmenting and reducing the number of men in each, and placing the corresponding number of officers on the list of full pay or of retreat. The whole country being parcelled out into districts, one or more thereof is allotted to each regiment, which may be termed its recruiting-ground, and whence its supplies of men are drawn; and, besides the force in active service, each regiment has, on paper, its battalion or battalions of Landwehr, who are liable to be called out when public exigency so requires. The ordinary mode of completing the line is, (save as to those recruits obtained by voluntary enlistment) by taking men of the *first* class, those from eighteen to twenty-eight years of age, sometimes by ballot, more frequently by selection of the local authorities or feudal lords; care being taken to select, as far as possible, single men and younger sons, and never to send to the army those who hold in peasant tenure (as explained in Chapter II.) a certain small portion of land. The duration of the actual service is fourteen years: after the expiration of which time, the soldier is inscribed in the battalion

of Landwehr, or army of reserve, which is never called forth except on urgent occasions; and on the rolls of which he remains, until he reaches his fortieth year. It may thus occur, that a soldier of the first class, sent to the army at the age of twenty, will serve till he is thirty-four in the line, and six years afterwards in the Landwehr; while one who is conscribed at the age of twenty-eight may serve in the line till he is forty-two, and the remaining three years are wholly remitted,—no man who has completed his fourteen years being bound to serve in the Landwehr, beyond his fortieth year of age. Those who have not been called to serve in the line pass at the age of twenty-eight into the second class, who are only liable to be called out in the Landwehr, but are bound to serve therein until the full age of forty-five. The Landwehr, unless embodied, which it never is in ordinary times of peace, receives no pay, and exists only on paper: but this paper existence is with very little trouble or delay convertible at any time into corporeal reality; as the registers are excellently kept, and each battalion has its full establishment of officers marked out, who, from the retired or supernumerary list, are held ready to join at a day's notice.

The numerical force of the army necessarily varies with the exigencies of the state. No accurate account of it is rendered to the public: but it was estimated that, in the year 1835, the number actually

on foot was about 380,000, of which the composition may be taken in round numbers as follows:—

Infantry.	Sixty-three regiments of the line, twenty Grenadier battalions, the corps of Jagers, and the Flotilla battalion on the Danube	290,000
Cavalry.	Eight regiments of Cuirassiers, six Dragoons, seven light Cavalry, twelve Hussars, and four Uhlans . . .	38,000
Artillery.	Five regiments of Field Artillery, one corps of Bombardiers, and Garrison Artillery .	20,000
Corps of Engineers, Sappers, Miners, and Pioneers .		2,500
Waggon Train, Pontooners, Artificers, &c. . .		30,000
		380,500

In addition to the above, it was computed that the Landwehr, the Hungarian "Insurrection of Nobles," and other available forces, might amount to 360,000 men, thus forming a grand total, *on paper*, of 740,000 men, but whereof 380,500 only were embodied and received pay.

In the year 1835, when the government raised a loan of £4,000,000 sterling, the contractors stipulated for a reduction of the effective force, as pressing too heavily on the national revenues; and a reduction was promised, which, although momentarily delayed by some circumstances connected with France and Italy, has since been carried into effect; and, without affecting a precise knowledge of the quantum of actual reduction, I conceive that, in stating the existing force of all arms at 320,000, I shall not be far in

error, including the 50,000 or 60,000 borderers on the line of Turkish frontier, and the force 60,000 or 70,000 usually stationed in Hungary: but, in point of fact, the numerical force is, from its composition, at all times variable; and, provided pecuniary means are not deficient, is capable of more speedy augmentation, at the will of the crown, than can be effected in probably any other European state.

That system which ascribes a particular district as the recruiting-ground of each regiment, originated in the feudal practice of each great landowner being bound to furnish a specific number of men, which formed the regiment whereof he was the director or commander. It has been preserved, partly from disinclination to change, and partly from the belief that internal comfort would be promoted, as well as an *esprit de corps* encouraged, among men belonging to the same district, and connected together by local and family associations. It has been found also to answer another not unimportant political purpose, in cases where internal duty was to be performed: for it is observed, that the Bohemian trooper has little sympathy with the Styrian smuggler, or the Gallician with the carbonari of Milan. The regimental nationality, however, is confined to the men. None exists as to the officers. Hungarians may be commanded by Austrians, and Croats by Italians: the only practical restriction in this respect arising from the necessity that the duty should be carried on in a language which officers and men can equally un-

derstand. Thus the sergeants and corporals must almost always be of the same nation with the troops; and the commissioned officer has the laborious task of learning, to a certain degree, several languages; or else must confine himself to a particular class of regiments. Neither is there any local limit of service. The "borderers," in time of peace, are indeed kept within their districts, for economical and other purposes connected with their peculiar institutions; but a large portion of the Hungarian troops are found in the western provinces of the empire, and Italian and German regiments are stationed in Hungary.

The articles of war, the military code, and the general ordinances for the service, have received scarcely any alteration since the days of Maria Theresa. They are beautiful in the perusal, and were framed in the purest and most enlightened spirit: but many of them are now of necessity evaded from their inapplicability to existing circumstances; while others are perverted in practice, from less justifiable motives. Hence, while few men will refuse the tribute of their approbation to the general and the powerful efficiency of the army, few either will withhold the wish, that in some respects its practice in detail were brought back to the spirit of its ordinances, and in others that those ordinances were rendered practical by a better adaptation to the circumstances of the times.

Every regiment has its colonel proprietor, termed

in German, *Inhaber*, distinct from its actual commander. This colonel proprietor is some general officer of high rank or long service; and to him, according to the general rules, belongs the privilege of granting all first commissions:*—that, namely, of ensign in the infantry, and of cornet in the cavalry; a privilege, however, greatly circumscribed in practice by the habit of the crown to appoint cadets from military colleges, and by the constant policy of the war department to limit the power of the inhaber, in order to increase its own. All the field officers, as well as those of still higher grade in the general army, are nominated by the crown, and the rules of the service ordain that the ranks from ensign or cornet to captain, inclusive, shall be attained only by seniority; no rise by purchase being permitted. A glance at certain details will show by what means these ordinances are evaded, and, at the same time, illustrate the general nature of the service.

An important peculiarity is the "Record of Conduct," kept, as to every officer, by those of the grade or grades above him, and at certain periods of every year transmitted to the war office at Vienna. Similar records of conduct are made as to the non-commissioned officers, by their immediate superiors in con-

* In cases where eminent foreign personages, as the Emperor of Russia, the King of Prussia, the Duke of Wellington, &c. are titular colonels of Austrian regiments, a second colonel proprietor is appointed as deputy, who exercises the privileges and fulfils the duties of the station.

junction with the captain; and, if I mistake not, as to the privates also, although in a more loose and general manner. The ordinance of Maria Theresa requires that each conduct-record shall be communicated to the individual affected by it, in order that he may in his discretion explain or expostulate; but this is little attended to in practice; and, although the register may in most cases be hardly more than a formality, yet it becomes at times an instrument of great individual oppression. The tone and condition of a regiment is much influenced by the personal temperament of its commander; and where this is of an arbitrary or suspicious character, an insidious and malicious spirit may be engendered among the officers generally, of which the effect is, to place them all at their colonel's will. His opinions may be swayed by petty motives or private suggestions; and his wishes as to the "record" to be made on his subordinates will not be opposed by those, who, on incurring his displeasure, will subject themselves in their turn to the probability of an unfavourable report. I have heard of cruel cases connected with this institution, and some scarcely less ludicrous than cruel. An officer, feeling himself aggrieved, approached the late emperor in private audience, made his complaint, was kindly received, and directed to return to the palace in a few days. He did so. "I am astonished," said Francis, "that you presume to complain to me, when, by the official record, your own conduct has been so flagitious." The officer asked to see the re-

cord to which the emperor had alluded; and, after some demur, it was shown to him at the war office. He then beheld specific acts of fault laid to his charge, of which he was wholly unconscious. He insisted on, and obtained, an investigation; when it was found that an error had been committed at the war office, the character of another officer having been appended to his name. He was justified to, and by, the emperor, and returned, as it were, in triumph to his regiment: but in a very few months afterwards he was compelled to leave it, in pursuance of an order placing him on the pension-list for life. The emperor's notions of subordination rarely viewed with complacency the complaint, however just, of an inferior officer against his superior. The probability is, in this case, that the colonel, whose injustice was complained of, may have been so severely reprimanded as never again to venture on a repetition of his fault: but, if so, the reprimand was private, and the unfortunate victim of the injury was so circumstanced, in result of his complaint, as to be compelled to abandon all hope of promotion in the service.

This surveillance on character operates in a variety of ways. The ensign should, by the professed rules of the service, rise progressively and necessarily to the rank of second lieutenant, first lieutenant, and captain; but, in point of fact, by the contrivance of the colonel commanding, or of the colonel inhaber (who, although absent, frequently interferes in the management of the regiment), the inferior officer does

pass not unfrequently over the head of the superior. The irregularity is justified by the statement sent to the war office in the "record," that the officer passed over is, from want of talent, or some other reason, unfit for the higher station; and, should he not acquiesce quietly in the arrangement, the fault of insubordination may become added, in the next report, to that of stupidity, and the complainant be compelled to retire on the pension-list for life. But even where this strong proceeding cannot be adopted, the commission of a superior officer may be in reality obtained by purchase, notwithstanding the cogency of formal prohibitions. In such cases, the colonels, both proprietor and commanding, must be parties; and one of them is probably the author of the arrangement. The seller is prevailed on, or it may be morally compelled, to retire on the pension-list, receiving from the colonel a stipulated sum, which sum is a portion only of that paid by the purchaser to the colonel. The residue of the purchase money has other destinations, among which is the payment of certain law expenses to the "auditor;" a legal officer attached to each regiment as assessor, in courts-martial, and of other charges of a legal character.

The captain has duties and functions unknown to our service. The clothes and accoutrements of the company having been furnished by the government, he is obliged to keep them in repair; and for this charge he receives an allowance which, according to

the circumstances of the regiment, may or may not be sufficient for the expenses he incurs. In the Austrian, as in the British army, there are expensive and inexpensive regiments, the difference arising in good measure from the rank and character of the colonels proprietor and commanding; both of whom, as I have mentioned, as well as other field-officers, are named absolutely by the crown. It frequently occurs that the colonel renders his regiment expensive to the officers, with a view to prevent all but men of wealth remaining in it. He may (I am alluding here to one particular case) require a very frequent change of dress,—undress uniform for the morning, plain civilian clothes for the middle of the day, full-dress uniform for the afternoon, and again plain civilian full-dress for the evening. He may make his remarks on the civilian dress, requiring that it be in perfect taste and creditable to the regiment; and, be it remembered, that the expenses thus imposed are to be borne with a pay not increased since the days of Maria Theresa. Applying the same principle to the captains, the colonel requires that the men of the company shall "look well on parade." If, as is too often the case, the clothing, arms, and accoutrements from the government depôt are of inferior quality, the captain is required to change them at his own expense; and, with regard to the cavalry corps especially, this is of nearly constant occurrence. Every thing connected with extra decoration, of which there is much in the superior regiments, extra music,

colours, and insignia of various kinds, are supplied at the private expense of the captains. The colonel requires from them all that is connected, in his estimation, with the proper appearance and station of the companies. If aught be missing, he is dissatisfied. If the captain complain, or refuse to bear the expenses, he may be himself complained of, as a slovenly and disobedient officer. The conduct-report may stamp his fate, and he may find himself soon placed on the pension-list for life. He therefore gets forward under his burden as best he can. It is probable that in some cases he has his own private emoluments in all this, which fully bear him out: but I believe, taking the service generally, the captains rarely gain by their station; and, not unfrequently, incur considerable debts. They calculate in such event, that, having in their liberal and complying expenditure obtained the friendship and patronage of the commander, they will be advanced to the higher ranks of major and colonel; in which stations they will have no difficulty in paying off their incumbrances, and in securing the enjoyment of rank and independence for life.

It is essential to observe, however, that much of what I have now said as matters of apparent irregularity, must be considered as being of either very partial application, or as tending to the real benefit of the army. In the general run of the service, the expenses, whether of subaltern, captain, or field-officer, must in the main be subordinate to their re-

spective incomes; and with regard to the records of conduct, the perversions to which they are liable cannot be numerous and flagrant, or they would occasion a dissatisfaction from which the service is in fact exempt, and which would not be risked under a government which, as I have before had occasion frequently to remark, hangs firmly together by the cohesive attachment of all its classes. The evasions practised to defeat the strict rule of seniority from ensign to captain inclusive, will be probably viewed by the practical man as necessary modifications, so long as the rule itself exists, since no army can be properly effective while such a rule is really enforced. On the one hand, defect of ability or of conduct may often require to be checked from rising to responsible stations, even in cases where it may be severe to doom an officer to retirement for life, or where he may have committed no tangible fault of which a court-martial can take cognizance: while on the other, few, save mere theorists, will deny the vast importance of a national army being to a considerable extent officered from those superior grades of society, whose members will hardly be induced to enter the service, unless their wealth and birth can procure for them some superiority of station and advancement. The Austrian army is open to all: but its genius is, in the same sense in which the observation may be made of the British army as compared with the French, decidedly aristocratical. Both the crown and the proprietory colonels are inclined to

give a preference to the members of those families which with us would be understood to constitute the gentry; and it is the policy of the state not only to engage in its service members of its own highest native nobility, but many princes likewise of the smaller reigning houses of Germany. What Austria wants, as does every continental country, is that beautiful system of regimental mess, which is adopted in England alone—that system which unites in social intercourse, for one portion of the day, the oldest with the youngest officer—which stations the junior ensign in his turn as president at the table, where the colonel must receive from his lips the law of the banquet—that system which alone can inspire a frank community of sentiment, amid all the differences of years and rank; and which, curbing alike the arrogance of age and the petulance of youth, teaches all to combine the high and manly bearing of social equality, with the most strict observance of military subordination. Allowing for the absence of this essential peculiarity, there may probably be observed a more close resemblance in general character between the Austrian and British officer than between those of many other nations; and without entering at all into questions of comparative discipline or efficiency, or patriotic devotion to their country's cause, I believe that a far higher tone of gentlemanly feeling pervades the whole Austrian army, than is to be found in some other continental services in which a more popular system may prevail.

But the anxious care of Maria Theresa was eminently devoted to the enforcement of military justice in every rank—and one evidence of her views on this point was the singular system of courts-martial, which, since her time, has never been altered. The court is thus composed—"It is not formed of officers alone, but includes two of each rank, viz., two privates; two lance-corporals; two corporals; two sergeants; two ensigns; two lieutenants; two captains; with a major as president. This court is competent to try all military offences committed by a captain inclusive to a private. If a major is tried, the lowest rank which can sit on the court-martial is a lance-corporal, and the president in that case must be a lieutenant-colonel. If a lieutenant-colonel be tried, the corporal is the lowest rank allowed to sit, and a colonel must be president, and so on."* The legal officer attached to each regiment fulfils the duties of judge-advocate, conducts the prosecution, expounds the law, and recommends the judgment.

From the character of the British army, and especially of the officers, as moulded by our general institutions and by the peculiarities of the mess, it is probable that in our service, justice tempered with

* This extract is from a paper on the Austrian army, from the pen of Captain Basil Hall, published in the United Service Journal of October, 1835, a paper containing much valuable information, although in some minor particulars the information which he received may not wholly coincide with mine. On the subject of courts-martial, I adopt the gallant captain's words, as expressing the facts neatly and correctly.

mercy would not be so well attained by a court modelled on the Austrian system, as on our own; but it is a great error to judge of what may be fitting in one nation, by that which is found to be suitable in another. In the Austrian courts-martial, it is true that the privates and non-commissioned officers are usually mere nominal appendages, and adhere to the decision which their superiors recommend; but still any glaring injustice is and must be prevented by their presence. The corporals and privates have some account to render of the proceedings, to their comrades in the ranks—and a confidence, or at least an acquiescence, in the equity of judgments is ensured, which might not otherwise be obtained. The established punishments are, death for mutiny, and for being taken in hostile arms after desertion; for simple desertion, theft, and other offences, either imprisonment, extra drills, or stripes on the back with switches, which last are inflicted on the delinquent as he walks or runs three or four times between ranks of soldiers, each of whom applies a stripe as he passes. Some extent of arbitrary corporeal punishment is moreover allowed to the captains and field-officers; but to be exercised in a very different and less severe manner. Such infliction is not on the back but the breech, and with the clothes on—the instrument is a cane, and the number of blows given by a captain may be twenty-five—by a colonel fifty. As I mentioned in the commencement of this chapter, the number and severity of the punishments

depends principally on the nationality of the troops. In the German regiments they are light and rare—but as military rules must be general, the power conveyed by them is equal for the entire service; and as these rules were framed by the benignant spirit of Maria Theresa, since whose reign they have remained unaltered, it may be presumed that no unnecessary extent of arbitrary severity would be authorised by them. That benevolent princess, however, having to legislate for the support of discipline among Hungarians and Croats, found the absolute necessity of allowing to the superior officer some faculty of immediate corporeal infliction; but this is in practice mainly exercised in march from place to place, where the wild character of the men can only be restrained by that immediate punishment, to which they have been accustomed (as regards Hungary and its dependency) from the days of their boyhood. The *gassen-laufen*, the infliction of stripes on the naked back from one hundred or one hundred and fifty birch-twigs, as the case may be, three or four times repeated, is a very severe punishment, but less so, in my apprehension, than that of the cat, used in the British army; rarely inflicted, and that only for offences which, until lately at least, would have been visited with death, or with flagellation almost tantamount to death, in a British regiment.

The pay both of officers and men remains fixed as in the days of Maria Theresa,—and although calculated at that period to procure every requisite com-

fort, is not adequate to do so in the present times,—at any rate to the ample extent intended by that great sovereign. The amount of money-payment varies in some small degree in different localities and circumstances; but, speaking in general terms, that of the private man is five kreutzers per day in the infantry, six in the grenadiers and artillery, and seven in the cavalry; out of which they provide their food and small comforts, save that the government furnishes to each man two pounds of bread per day. They usually mess seven or eight together, and are required by the regulations to eat half-a-pound of meat each man per day; for which reason, although in point of fact the regulated quantity is not always purchased, yet, in order to admit of its being so, an additional allowance of half a kreutzer or more, as the case may require, is granted whenever the price of meat exceeds seven kreutzers per pound. The infantry, although with the least pay, are generally the best provided; as they are usually stationed in towns, and are allowed to perform labour for individuals, by which they gain not unfrequently twenty to twenty-five kreutzers daily, whereof however a certain portion is paid to the captain, in regard of the extra wear and tear of the clothes, occasioned by this private labour. The cavalry are more generally quartered, for the convenience of forage, in country villages, where labour is less in demand; and whether it be so or not, the time required in the care of his horse leaves none for the trooper to apply to

private emolument. I may here notice a somewhat concomitant comparative effect, which is produced in the comforts of the officers also, in the two branches of the service. The cavalry in Austria, as in other nations, is considered to be the higher branch; but, divided into small parties of men, each with its one or two officers, occupying some petty hamlet, especially in Hungary and the northern provinces, these officers are absolutely cut off from all society or resource; while those of the infantry, congregated in the cities and towns, have abundant communication among themselves, as well as with the respectable portion of the inhabitants. I have known fine highminded young men, with the rank of cornet or lieutenant, members of the noblest families of the empire, shut up in some wretched Hungarian village, twenty miles distant, in a roadless country, from any one with whom they could converse on a footing of equality,—the very priest of the parish being as ignorant as the boors which formed his flock. In the particular instances to which I now allude, a taste for elegant literature had got together in the desert abundant literary resources, which obviously could not have been procured had not the parties possessed ample private means; but it is evident that, in too many instances, this seclusion from the refinements and restraints of society must lead to a state of gross indulgence, unfavourable alike to the officers and the men. In all cases, indeed, a large standing army must be un-

favourable to morality, for the great majority of it must in every country be in a state of celibacy: the rule on which point in the Austrian service is this: As regards the privates, four men only in each company are, generally, allowed to marry; or, if already married, to keep their wives with them. The wives receive rations of bread, and the children are placed and educated at the schools which the government has provided at the fixed head-quarters of every regiment. Of the officers, one-third may be married; but the permission of the commanding-officer must first be obtained—and in some cases this may be capriciously refused. An instance of this kind was brought to my knowledge, wherein the colonel, wishing to discourage marriages in his regiment, unduly refused his consent; and on the forced construction that a remonstrance, presented by the officer aggrieved, involved a breach of military subordination, actually placed him under arrest, with the avowed view of breaking off his intercourse with the lady of his love. From this state of restraint the officer made his application, in conformity with established privilege, to the (late) emperor. The answer was courteous,—his majesty saw no objection to the union;—and the prisoner, liberated from his confinement, led his bride to the altar. The lady in this case was of noble blood, and of unimpeachable excellence in all personal respects; the colonel had no ground to justify his disapproval; but still I have heard some doubts expressed, whether any great length of time

would elapse, ere the bridegroom might find reason to retire upon the pension list, as the result of his persevering opposition to the wishes of his commander. One preliminary is required to the marriage of all officers, and a very important one it is. They are obliged to make a fixed marriage settlement, either of money or rental of real estate, in accordance with the rank they hold at the time of their union. The minimum is, in the case of field-officers, 1000*l.* sterling (10,000 florins) in money, or land yielding 50*l.* sterling per annum. In that of junior officers, 800*l.* sterling, or 40*l.* per annum. The annual income is enjoyed by the married pair during their lives, and by the survivor on the death of one of them; and the principal is divided subsequently among the children. This ordinance, although, in forming one of the many checks to marriage in the Austrian states, it may contribute in some small degree to the number of irregular births, is framed in a provident and benevolent spirit; and secures at all events, without appeal to the charity of the state, a decent though humble provision, in so cheap a country, for the widows of those who have passed their best days in its service. The officers themselves, during their lives, when invalided or superannuated, receive pensions varying from the 20*l.* of the subaltern, and the 60*l.* of the captain, to the 120*l.* of the colonel, and the 400*l.* of the cavalry general; and, whether invalided or not, they may look forward to the gratuitous board, lodging, and education of their

sons, in some one of those noble establishments and military colleges which the care of the government has provided for such purposes. For the private soldier there are invalid hospitals on a very spacious scale, but no one is legally entitled to pension from mere length of service, unless he be actually invalided. In reality, however, those who remain permanently in the service, without availing themselves of their right to discharge, are provided for in garrisons, or in some subordinate station connected with the numerous branches of the civil service, from which they ultimately pass into the list of "Provisionalisten." I believe it is just to the Austrian government to say, that it allows no one to sink into destitute decrepitude, who has passed the days of his efficiency with good character in its civil or military service.

I will only further add, that, in order to facilitate the operations for any sudden emergency, it is the practice of the government to keep always in reserve a store of ready-made clothing (adapted in three sizes), and of every species of equipment, for a second number of men equal to that which they have actually on foot — and often have they found the advantage of their policy in this respect. In the year 1805, when the French were close upon Vienna, an order was sent to Prague for the immediate levy of 50,000 men. Before the evening of the day on which the order arrived, precepts were dispatched to the various districts and feudal lordships, for the proportionate number which each was to furnish.

The levy was made forthwith. All tailors and other clothiers were put in requisition to adapt the habiliments and equipments; and in seventeen days from the date of the imperial command, the 50,000 men were already armed and equipped, (although of course undisciplined,) at the depôts in Bohemia and Moravia. The dispatch was in this case useless. The battle of Austerlitz had already decided the fate of the war—but the system and the organization remained; and eight years later, when it was determined to make one great effort,—when Hungary still restricted her supplies to 64,000 men,—when the rest of the empire was limited to a portion only of its present German provinces and military frontier,—the mind is astonished at the mighty means developed by a powerful organization, supported by an attached and devoted people. The number of individuals (including the civil or commissariat establishment of the army) in active efficiency, and receiving pay from the war department in the year 1814, amounted to *nine hundred and seventy thousand persons!*

Navy.—As the Navy is subjected to the war department, this may be the convenient place for making the few observations required on that very limited branch of the service. The effective force consists of four frigates of rather large size, and some brigs and schooners, but no line-of-battle ship. It is a Venetian

rather than a German marine. The duty is carried on in Italian. The government have retained in its service all the Venetian officers; and hence, as these die off only by degrees, and younger ones are very slowly promoted, most of the commanders, and even the subordinate officers, are elderly men. The admiral, Dandolo, commanding the little squadron at the Dardanelles when we were there, was nearer eighty than seventy years of age; and Lieutenant Melchiori, the kind and worthy commandant of the galliot in which we sailed from Trieste to Patras, had already attained his present rank, in those days when the doge went proudly forth in his Bucentaur to wed the Adriatic. The seamen are chiefly Venetians, Istrians, and Dalmatians. They are volunteers engaged for eight years, well enough fed according to their national habits, and receiving pay of 20 kreutzers (8*d.* sterling) per day. Were volunteers found to be insufficient, recourse would be had to a portion of the men raised by military conscription.

Small as this navy is, there are still scarcely officers sufficient for the discharge of its duties. While the aged Venetians totter towards the grave, the promotion of younger men is, from motives of economy, rare and slow; and officers are exchanged from ship to ship to supply the vacancies that occur. The admiral has in vain urged upon the government the expediency of promotions, as well for the just advancement of actual officers as for the encouragement of new ones. The government express their ap-

proval of the admiral's suggestions, but prefer allowing "things to remain as they are for the present."

Persons who are aware of the burdensome formalities which encumber all the departments of stores or accounts in our own service, and who have witnessed the harassing and vexatious official proceedings to which, after the lapse of many years, British officers are often exposed, will not apply exclusive censure to the Austrian government for the adoption of similar practices. The immensity of the English expenditure, indeed, may be held up in palliation of what is condemned in the smaller service of Austria; and hence perhaps it is, that the bureaucracy of the Austrian service appears to us so annoying and excessive. In it the quantity of writing is immense. No article however small, of stores or of medicine, can be used, without accurate accounts being rendered through subordinate boards to the war department at Vienna. If a morsel of canvass be taken to mend a sail, a council must be held; a *procés-verbal* written out, stating the circumstances, the quantity of the old canvass damaged, and that of new canvass required; and this must be signed by all the officers previous to its being sent in to the intendant of marine at Venice or Trieste, whence in due time it finds its way to the capital. The people at Vienna know little practically of naval affairs. The commission there examines the papers transmitted, endeavouring, probably often in vain, to understand them; and when any point occurs not fully explained, a cor-

respondence ensues which frequently lasts for years. The commander of the vessel is, for every branch, the generally responsible officer; and I was informed by one who had commanded a ship of war of the smaller class, in which he was allowed no clerk, that finding himself compelled to write from daybreak to sunset for fifteen days together, on his returning to port from a cruise, he gave up the command of the vessel and sought removal to a subordinate station in another.

Of the quantity and character of nautical science possessed by officers in this small service, I am not competent to offer an opinion. As to the men, their characteristics are derived from those of the narrow and dangerous waters, on which from their boyhood they have mostly been employed. They are active, temperate, and peculiarly sagacious in regard to aquatic and meteorological phenomena, as such are observed in the Adriatic and other neighbouring seas; but the experience of the peculiar local dangers thereof is said to render them timid navigators of the great ocean, where such timidity is misplaced. This defect will be removed as their sphere of action is extended; an object which the government professes earnestly to cherish. Its commercial marine is now seen in the Baltic and on the western shores of the Atlantic, and has competed for local influence even along more distant coasts. That Austria should ever attain a rank of any importance among the maritime nations of the world, must appear to most men

a fantastic imagination; but, having already rendered her port of Trieste the greatest commercial station of southern Europe, and holding under subjection, as she does, the Lion of St. Mark, she appears to aim at restoring to the Adriatic some portion at least of its former glory. She seeks in all directions to extend her infant trade: she strives to compete with France for the steam navigation of the Archipelago and the eastern seas; and, conscious of the inconvenience and insecurity of Venice, as a naval arsenal, she has been occupied for some time past, at a great expense of labour and money, in fortifying the port of Pola, and in rendering it the great station of her state marine.*

* In the first volume of this work has been given an account of Pola, and the operations there in progress for rendering it the port and arsenal of the Austrian navy.

CHAPTER XI.

FINANCES.—Public Debt and Currency—Origin and Character and the Debt—History of the Paper Currency—Finance Patent of 1811—Financial Reform of 1816—Bank of Vienna—Plan for Reduction of the floating Paper, and its success—Debt bearing Interest—Old and New Debt—Amount of both—Sinking Fund—Amount of actual liability of the Government—Existing Currency both Paper and Metallic—Circulation of the Bank, and its connexion with the Government.

PREVIOUS to entering on the details of the revenue and expenditure, some notices are requisite on the subject of the public debt, and on the state of the currency. The latter has become sound and healthy after a long period of deterioration and embarrassment; and it is a matter of some interest to trace the steps by which this great national reform has been effected. With regard to the debt, it is not easy to arrive at accurate results, while the government abstains from rendering authentic accounts of its various branches; and the intricacy of these branches themselves, the transpositions from one to another, and the erroneous notions which might be formed as to actual amounts, from the different kinds of currency in which various portions of debt have been contracted,

may induce the government to defer any general financial statements until they shall have perfected the work now in progress, of extinguishing the small remains of a spurious paper, and of consolidating the whole of the debt into one or more general funds of metallic denomination. In the meantime, however, although information is withheld with an avowed view to the avoidance of premature discussion and the dissemination of error, still sufficient is allowed to transpire, to form the foundation of general ideas, both as to the amount of the debt itself, and as to its pressure on the general income of the empire.

The obligations of the state may be considered to derive their origin from the reign of Maria Theresa, who put into circulation a paper currency under the name of Bankozellen (circulating notes), to the amount of 12,000,000 florins. Her successor, Joseph II., added to these, in the year 1785, 20,000,000 more; thus making a total of 32,000,000, in a paper currency bearing no interest, and deriving its value from the faith alone of the sovereign. In the short reign of Leopold II., which lasted only two years, no alteration was made: but widely different was the case during that of Francis, his son and successor, who assumed the imperial diadem in 1792, when the French Revolution had already burst forth, and whose reign was afflicted with disastrous wars which raged with no very long periods of intermission, until the ultimate occupation of Paris in 1814. To meet the expenses of these exhausting conflicts

in which successive hostile invasions, and the forcible disjunction of province after province continually diminished the regular revenue, the expedient adopted by Maria Theresa and by Joseph afforded an example too inviting to be resisted. Year after year additional sums of paper florins issued from the treasury, until, in 1811, it was found that the amount of Bankozellen in forced circulation exceeded a thousand millions of florins (1060,798,753). These excessive issues had been attended with their natural results—an enormous rise in the nominal value of commodities as paid for in paper, and a corresponding depreciation of the paper florin as compared with that in metal—for it is to be especially observed, that the government, although pressed to these issues by imperious necessity, were so far sincere, as never to pretend that the paper retained its metallic value. On the contrary, it allowed paper and metal to be freely exchanged between individuals according to their own ideas of its relative value; and a weekly statement of the amount of depreciation, as computed by the brokers from the actual transactions on the exchange, was published in the State Gazette. In 1811, when a few years of hollow and most impoverished peace, consequent on the union of Maria Louisa with Napoleon, had given breathing time to Austria, it was determined to make an effort towards rectifying the currency; and indeed it was high time to do so, for the depreciation in the market had now reached eighty to eighty-five per cent.; and the hope there-

fore of being ever again able to add further issues to the existing paper was utterly abandoned. It was decided that the paper now afloat must be cleared away; but, inasmuch as the greater part of that paper had been issued from the treasury, not as of *metallic* value, but at the rate of *market* value existing at the time of each issue,* it was argued that the holders had no just claim to metallic reimbursement.

Under these circumstances appeared the ordinance termed the *Finanz Patent of* 1811, at a period when the depreciation had reached to rather beyond eighty per cent., or, in other words, to four-fifths of the nominal value; one hundred florins of paper being in the market equal only to twenty florins of metal. The

* The earliest issues were made as in florins of metallic value, the florin being that which is more peculiarly used in the Austrian States under the name of Convention Money, (coined in pursuance of a convention with the Elector of Bavaria,) which is worth two shillings sterling. All the issues however, or nearly all, after 1792, were made at a depreciation, which went on gradually increasing until it ultimately reached eighty or ninety per cent. To understand the effect of this, let us suppose the depreciation in the market to be sixty per cent.; in other words, that forty florins of metal would purchase 100 florins of paper. If the government at this period had to pay for a service or a commodity worth four pounds sterling, it would make the payment either in metallic pieces of forty florins, or in its own paper notes for 100 florins; and hence arises the argument, that in redemption of these notes, it was not bound to pay 100 florins of metal. Had the notes remained in the hands of the original takers, and the redemption been made in the quantity of metal which each note was really worth at the time of its issue, the argument would have been just.

ordinance annulled *in toto* the circulation of the existing paper, and declared the intention of the government to redeem the whole of it at its then market value of one-fifth of nominal amount; not, however, by metallic payments, but by the issue of a new paper now termed *einlösungschein*, which accordingly appeared soon afterwards, to the amount of 211,159,750 florins. The convenience attached to this paper for practical use, and the supposition of its being then equal in value to metal, raised it at first to a small premium which tempted the government to issue about forty-five millions more of florins, in a paper termed *anticipations-schein;* but in a very short time these currencies fell to a discount, and were poured in upon the government in payment of taxes. To meet this new difficulty, the anticipations-schein of forty-five millions was called in and exchanged for other notes, and within two years two ordinances were passed, the first reducing the einlösungschein to three-fourths, and the second to one-half of its nominal value. Great public disarrangement and considerable private distress were the result of these acts; and the evil moreover went on increasing, for, as the exigencies of the state pressed upon it, further and enormous issues of einlösungschein paper were poured out from the treasury, in addition to those already in circulation, and thus of course creating augmented depreciation. Desperate as was the expedient, the government had no other. All Europe was in arms. Austria was compelled to bear her part, first as the

ally of Napoleon, and afterwards as that of Russia and England. Her population had, by the cessions to France, been reduced to within twenty millions, whereof more than one-half, the Hungarians and Transylvanians, stood on their constitutional right of resisting any increase of taxation beyond those payments which varied not in peace or war; and from the other provinces, impoverished by long conflicts and successive invasions, it was impossible to raise further supplies. Private sacrifices had been pushed to the uttermost; the utter insolvency of the government could not be disavowed; and nothing but the coherent principle of national attachment could at this period have kept together unchanged, the fabric and institutions of the Austrian monarchy.

The triumphant pacification of Paris crowned the grand European conflict. The congress of Vienna assured to Austria a large and important accession of territory; and peace, foreign and domestic, being now to all appearance firmly established, the government undertook, in 1816, its last financial reform. The paper then in circulation had increased in amount from the 211 millions of 1811, to about 650 millions of florins; and its value had again fallen to between 70 and 80 per cent. discount; in other words, 100 florins of paper being only worth 30 florins of metal.* But the expectation that an endeavour

* This paper was and is known by the various appellations of einlösungschein, scheingeld, papiergeld, and most usually *Wiener währung*, (Vienna currency,) and hence all sums designated i

would be made to clear it away caused in 1815 and the following year some small rise. In the new financial measure a fixed value was given to this paper, of 40 per cent., or two-fifths of its numerical value, 100 florins of the paper being declared to be worth 40 florins of metal; and on this basis the operations were enacted, to clear it away by degrees from circulation. The great engine to be employed was the Bank of Vienna, now (1816) instituted for this and other national purposes, and which has effectually answered the objects of its creation. The proprietary shares were 50,000, of 1,000 florins C.M. (or metallic currency) each, which amount was required to be paid up in 2,000 florins of paper (equal at the now fixed standard of two-fifths to florins 800 C.M.), and the remaining 200 florins in actual metal. The 200 florins of metal per share, constituting on the whole florins 10,000,000 C.M., or one million sterling, was to remain as the trading capital of the Bank. The florins 2,000 W.W. of paper were to be cancelled as they were paid in, and debentures to be issued by the Government to the Bank in lieu thereof for the metallic amount, namely, 800 florins, bearing 1 per cent. metallic interest, which would be equal to 2½ per cent. thereon, if paid in paper. On the formation of this institution the Government put forth several ordinances. By one of them it bound itself never again to issue a paper to serve the purposes of money, under any denomination

that computation have affixed to them the letters W.W.; while the metallic currency is designated by C.M. (Convention Munz).

whatever; but, in the event of any future pressure or emergency, to provide other means of supply, without interfering with the currency. By another it defined the constitution of the Bank; conferred on it exclusive privileges as a bank of issue and deposit throughout the hereditary states, with the faculty of establishing branch banks in the provinces; and assigned, —as security for the advances it should make to the Government in issuing its own notes under certain regulations to take up the paper in circulation,—the indemnity to be received from France under the Treaty of Paris, certain other assets at the disposal of the crown, and a general mortgage on the Government mines. By a third, the new bank-notes were ordered to be received as cash by the various departments of the Government, without however rendering them a legal tender as between individuals. In a very short time the whole of the 50,000 shares were taken by the public; and thus 100,000,000 florins of the paper were at once withdrawn. Of the remaining 550,000,000 florins, a considerable portion was funded into a stock, bearing one per cent. interest in CM., and thus placed, in regard of interest, on the same footing with that paid in, in part of the Bank shares. The remainder was left temporarily in circulation; but under an arrangement that a certain amount of it should be annually bought up by the Bank, and burnt, until the whole should be cancelled; the bank receiving a fixed sum from the Government for that purpose. The working of this great mea-

sure has been eminently successful. The accumulated paper which had been in 1816 computed at 658,714,438 florins, was within the next two years diminished by 200,000,000 florins. The annual reduction has ever since been steadily followed up. In 1830, the amount outstanding was less than 80,000,000 florins w.w.; in 1837 it was reduced to about 16,000,000 florins w.w., or about half a million sterling, which has since become extinct, or will very shortly disappear. The new bank-notes (banknoten) in sums of from 5 florins (10*s.* sterling) to 1,000 florins (100*l.* sterling), have become the common currency; and these, being always convertible into cash, and being a legal tender to the Government, though not to individuals, cannot fall below their metallic par. Indeed, from their superior convenience as a medium of payments, we were obliged, on entering Bohemia from Saxony, to pay a premium of two per cent. in order to obtain them.

The government paper hitherto considered, the old bankozellen, the einlösungschein or Wiener währung, &c. was never understood to bear interest. It could hardly be said to form even a *debt* of the number of metallic florins which it bore impressed on its face, since the government itself admitted the existing market rate of depreciation, and paid it away at that rate, whatsoever at the time it might be. It was a spurious and unstable currency, created for a temporary purpose by a then insolvent government; but it had not the effect of altogether banish-

ing coin from the circulation, since, as we have seen, the government did not attempt by edict to give it a greater value as against metal, than that which it actually bore by the free consent of those who received it.

We come now to the obligations of the state *bearing interest*, and which may, in a stricter sense, be called the National Debt. This may be divided into two parts; the *old debt*, that existing previous to the year 1815; and the *new debt*, that contracted subsequent thereto: but as no accurate accounts of either of these have been made public, and as the transfusions from the *old* to the *new* have been attended with a good deal of complication, I shall not attempt more than to convey some general ideas in regard to them.

It was in the year 1816 that the government determined to undertake the complete financial reform. We have seen the measures adopted, through the instrumentality of the then created bank, for the extinction of the spurious paper currency. At the same period, or in the following year, it first put forth those ordinances respecting its other obligations, which have laid the foundation of the high financial credit it now enjoys. The debt of the state *bearing interest* was found to amount, in 1816, to a nominal capital of about 630,000,000 of florins; the greater part of which had been originally contracted at an interest of five per cent., but which interest was paid in the paper money, subject to the discount of 60, 70,

or 80 per cent. This was the *old debt.* The *new debt,* subsisting only in metallic currency, commenced with a loan in 1815, of 22,205,450 florins, and has since been increased by annual transfers of a certain portion of the *old* debt, and by subsequent loans contracted in Austria, Holland, and England. The whole amount of the new debt is stated to have been, in the year 1831, 273,000,000 florins, including 65,000,000 of florins brought hither from the old debt, and which cancelled probably more than 160,000,000 florins of nominal amount thereof. This new debt has, as just observed, been since increased by the annual transfers, and by subsequent loans, among the last of which was that of 1833 for 40,000,000 florins C.M., and another in 1835, for the same sum.* The instrument created for the reduction and extinction of the debt, was a sinking fund, on the principle of that formed by Mr. Pitt in England, and which commenced its operations at Vienna in 1817. Its original endowment was about 50,000,000 of florins, supplied in good measure from the indemnity fund received from France; and it has since been increased by the perpetual investment of its own accruing interest, as well as by an annual grant from the finance department, and a reserved proportion of subsequently contracted loans. From an account now before me, published by the Commissioners of the Sinking Fund up to April 1837, its progress

* A new loan of nearly the same amount has just been concluded.—1839.

appears to have been steadily carried forward from the time of its commencement, and to have been very effective. The total sum of stock stated to be withdrawn by its means from circulation was, 242,016,011 florins of the new debt; 120,606,518 florins of the old debt; and 12,335,612 florins of other obligations: but of these sums, 104,144,941 florins of the old debt, and 68,292,722 florins of the new debt, have been, in pursuance of the constitution of the fund, totally extinguished, as they were bought in or redeemed. The actual amount of *interest-bearing* stock, therefore, standing at the credit of the Commissioners was, in April 1837, 191,706,204 florins; yielding an annual interest of 8,281,883 florins, to which is to be added 1,888,450 florins of dotation from the finance minister, making a total of 10,170,333 florins C.M., or 1,017,033*l.* sterling, applicable in that year to the redemption of the debt.

The principal action of the Sinking Fund is on the *new debt;* but the new debt is itself, to a considerable extent, composed of transfers from the *old debt*, and it is the intention of the government, by such transfers and redemptions, so to annul the old debt by degrees, that the whole of its obligations may be consolidated into a fund or funds of metallic currency. In the mean time, there are now allowed to remain of the *old debt* various stocks bearing interest, at $1\frac{3}{4}$, 2, $2\frac{1}{4}$, $2\frac{1}{2}$, and 3 per cent.; all payable on the footing of the old W.W. paper: there are other stocks of the *new debt* bearing interest at

1, 1¼, 2, 2½, 3, 3½, 4, 4½, 5 and 6 per cent., payable in convention money; and there are besides sundry floating obligations: and there are moreover, provincial debts, contracted by various provinces for local objects, for which the provinces themselves are indeed primarily liable, but which, having been contracted, and the amounts expended, under the authority of the government, might in case of necessity form matter of equitable claim against the government itself. All these varieties and complications, in the absence of detailed official accounts, render it extremely difficult to form a correct idea of what the extent of debt really is. We know, however, that the aggregate charge upon the revenue for the interest of the debt redeemed and unredeemed, and the endowment of the sinking fund, is at this time about 45,000,000 florins C.M. (4,500,000*l.* sterling); and, although with much diffidence, I am inclined to estimate the total amount of capital for which the government is liable, at about 550,000,000 florins, or 55,000,000*l.* sterling.

Under the operation of the wise and salutary measures commenced in 1816, a sound and healthy *currency* has been established. With the exception of that small portion of the old W.W. notes, which will wholly disappear in a very short time, the only paper in circulation are the notes of the bank, varying in amount from five to a thousand florins; and these form the general medium of payments. The metallic currency is sound as far as it goes; but

it is neither convenient nor very abundant. Of Austrian gold, the ducats and other pieces struck in Hungary are little used for internal payments, but are rather employed as an article of export and import, in adjusting the commercial balances with other countries. The silver currency consists principally of zwanzigers (pieces of 20 kreützers, worth 8*d.* sterling), and of smaller pieces of 10 and of 5 kreützers. The florin, being composed of 60 kreützers, is computed as equal to three zwanzigers; but, as an Austrian coin, it is known only at the mint and in private cabinets. The only silver pieces of larger value than the zwanziger are Saxon, Bavarian, and other foreign coins, all of which have usually a fixed value in Austrian florins and kreützers. Thus the currency, whether of paper or of metal, is a sound one, and entirely on the footing of convention-money: and in this C.M. currency are kept all the accounts of the government departments; and of the bankers, merchants, and larger dealers, always in the capital, and often in the provinces. It is a work of time and difficulty, however, to alter the habits of a people as to their domestic calculations; and hence, although the old paper has nearly disappeared, yet in it (the W.W.) do the great body of the lower classes in the capital, and even the larger dealers in many of the northern provinces, still keep their accounts. The tavern-keepers and retail-dealers in articles of food, almost invariably present their bills, even at Vienna, in

the W.W.; and as these bills must be paid in coin or notes of the C.M. currency, the difficulty and confusion of calculating the one kind of florin and its aliquot parts into the other currency is beyond belief. It is to be hoped that this confusion will gradually cease; and, when we compare the convenience of a common standard, and the soundness and excellence of the Austrian currency, with the extraordinary confusions and depreciations of that existing in all the other German states except Prussia, it is greatly to be wished that by general consent the C.M. standard of Austria should become that of the whole German coinage.

One point only as to the currency remains to be considered; and that is, the position of the bank on whose security the current paper rests. The subscribed capital is, as before stated, 50,000,000 of metallic florins, of which amount about one half may be considered as permanently advanced to the government, and thus forming a debt due from it to the bank. The extent of the paper in circulation depends on the quantity of bullion and securities in the coffers; and it has been estimated as averaging about the sum owing by the government, viz., 25,000,000 florins, or 2,500,000*l.* sterling; but as no statement has been rendered to the public, this must be taken merely as a general approximation. As in all other countries where a national bank exists, the bank of Vienna is so far involved with the government, as holders of its securities, that were the government to

fail in its public engagements, the bank would be necessarily and deeply implicated; but still it must be regarded, like the Bank of England, as an essentially distinct and private establishment—one most eminently useful and advantageous to the public,—and hitherto conducted on principles so sound and sagacious, that its shares have risen to a premium of 40 and 50 per cent., while its paper enjoys the most perfect credit.

CHAPTER XII.

FINANCES *continued.*—Actual Income and Expenditure—Details of both—Various Branches of Income.—*Direct* Taxes—Land-tax—Its History—Cadaster—House-tax—Tax on Trades and Professions—Personal Tax—Tax on Inheritances, &c.—Mode of Collection.—*Indirect* Taxes—Tax on consumable Articles—Customs—Observations on Contraband—Other Items of indirect Taxation.

ALTHOUGH no public accounts are rendered of the increase and expenditure of the state, yet the government have always found it necessary to communicate in general terms the actual position of the finances to the principal bankers and capitalists of Vienna; and in the year 1835, the following was, in round numbers, the understanding which prevailed among those gentlemen upon this important subject. The revenue was estimated at 130,000,000 of florins, or £13,000,000 sterling. The expenditure, *exclusive of the war department,* was computed at about 87,500,000 florins, which was thus composed: interest of the public debt 40,000,000 florins; civil administration 44,000,000 florins; expenses of the Imperial family and establishments 3,500,000 florins. Thus there would remain for the war department the sum of 42,500,000 florins; and, if the expenses of that department could have been kept within that limit, the

revenue would have equalled the expenditure. What the military expenditure actually was, was a matter rather of conjecture than of accurate knowledge, but it was conceived to be little, if at all, short of 60,000,000 florins;* and hence resulted an annual deficit of nearly 20,000,000 florins, or £2,000,000 sterling, which gave rise to the necessity for repeated loans. In the year 1835 such a loan was raised to the amount of 40,000,000 florins, which was procured at an interest of about four per cent.: but the contractors took that opportunity of requiring a specific engagement from the crown, that the military establishment should be forthwith reduced, as pressing too heavily on the finances of the state; and, as soon as circumstances would permit, it was understood that such reductions were made, as to have effected a considerable saving in that branch of the expenditure.

Since the year 1835, great improvements have been effected, and others, yet more important, are in progress, the nature and bearings of which I shall presently notice. With a view, however, to the proper understanding of the subject, I deem it desirable first to present to the reader certain official state-

* Hungary furnishes a force of 64,000 men to the army, and the fixed sum of 5,000,000 florins for, or towards, its support. In many financial accounts this sum is kept apart from the Austrian budget, but the results are not affected thereby. If the 5,000,000 florins were thus deducted from the sums above, the military expenditure would appear reduced by that amount, but so would the revenue also, in which the Hungarian contribution is comprehended.

ments which I was allowed to transcribe and to communicate, and which, although referring to the year 1834, will, with the explanations appended to them, illustrate all the material items comprehended in the Austrian financial system.

The public *income* for the year 1834 (and there had been little variation for some years before) has been stated at about 130,000,000 florins. In that year, 1834, the statements which I have inspected represent it to have been thus composed:—

		FLORINS.
DIRECT TAXES, exclusive of Hungary . .		48,797,110
Viz.:—	FLORINS.	
Grund-steuer, or land tax .	38,987,954	
Haus-steuer, or house-tax .	3,859,178	
Erwerbe-steuer, or income-tax on trades . . .	2,498,234	
Personal steuer (now discontinued)	1,307,451	
Erb-steuer, tax on inheritances	879,160	
	47,531,977	
N.B. The expenses of collection are stated to be 1,102,906 florins, which sum, probably, with some small arrear, creates the difference between the two totals.		
INDIRECT TAXES . . .		42,007,950
Viz.:—	FLORINS.	
Verzehrung-steuer, tax on consumable articles . .	17,841,347	
Zollen, customs (including the leaden stamps on goods) .	12,037,692	
Stamps . . .	3,232,048	
Tax on processes, and on official incomes . .	1,882,710	
	FL. 34,993,797	90,805,060

	FLORINS.	FLORINS.
Brought forward . .	34,993,797	90,805,060
Lottery . . .	3,363,682	
Post-office—Letters .	1,417,362	
„ Horses .	376,952	
Barriers . .	1,854,157	
	42,007,950	
Monopolies		28,198,512
Viz. :—	FLORINS.	
Salt . . .	19,404,807	
Tobacco . .	8,784,376	
Gunpowder . .	9,329	
	28,198,512	
Domains		3,460,666
Mines		1,952,410
Hungarian Revenue . . .		5,330,000
Viz. :—		
Contribution, or land-tax on the peasant lands . .	5,000,000	
Toleration tax on Jews, Bishops tax for fortresses, Zips towns, &c. supposed . .	336,000	
„	5,330,000	
		Fl. 129,746,648

With respect to the *expenditure*, as given before in round numbers (page 323), the first item, the interest on the public debt, requires no special notice. Of the last, the expenses of the Imperial family and establishments, it will be observed that its amount is far from considerable. In fact,

the personal allowances of the Archdukes are only 6000*l.* sterling per annum to each. Those princes hold however various military or civil appointments affording income, and most of them have large private estates. The Emperor himself has separate domains, the income from which, forming his private personal treasure, is increased from various sources; such as the income of lapsed Hungarian estates until re-granted, the revenue to a certain extent of vacant Hungarian sees, fines on new dotations, &c. &c. Whatever be the extent of this treasure, the simple and unexpensive habits of the Imperial family require no very large application of it to personal luxury. Much is devoted to benevolence, and to the promotion of the arts and sciences, and more probably accumulates as a fund to be employed in any specific emergency. In the disastrous periods of the wars with France, the private treasure was put largely in requisition for the public service, and, as it is believed, it was, in 1814, almost wholly exhausted. The intermediate item of 44,000,000 florins comprehends the entire civil establishment; and of this I am enabled to give the following details for the same year, 1834:—

	FLORINS.
Finance department . . .	14,619,220
Imperial chancery (including 1,004,350 florins for diplomatic service) . .	1,801,168
Police department . . .	1,643,504
Military expenditure, included in the civil department	2,586,306
	20,650,198

	FLORINS.
Brought forward	20,650,198
Department of public audit . .	2,703,723
Justice	4,708,734
Establishments of the Court . .	1,461,139
Council of state . . .	282,282
Kataster	69,344
Local administrations, including public works, in the German provinces . .	8,774,066
Do. in the Province of Lombardy	2,987,935
Do. in the Province of Venice	2,580,169
	44,217,590

In looking over the preceding enumeration, I have some doubt whether the 1,461,139 florins given as expenses of the Court establishment, and which are, in good measure, the salaries of officers and attendants, be not already included in the 350,000*l.* sterling (3,500,000 florins), previously set down as the expenditure of the Imperial family establishments. I have also reason to believe that, although the expense of the kataster is here stated at less than 7,000*l.* sterling, the actual expense it occasions is nearly three times that amount, the surplus entering into the charge upon other departments. No charge appears for public instruction, as the general expense thereof is borne by the "Religious and Studien Funds." The diplomacy of Austria, being charged at only 1,004,350 florins, or 100,435*l.* sterling, would appear to cost less than that placed in the British finance accounts under the same head, by no less than be-

tween 70,000*l.* and 80,000*l.*; but some part of the difference arises from pensions included in the British account, and not admitted into the Austrian. The large sums charged for local administrations, comprise the expenses of the various provincial governments, and the disbursements made in the provinces for all public objects, except such as are specifically stated under distinct heads. In them are included the expenses of roads, bridges, canals, embankments, and other public works; the support of government fabrics; and disbursements beyond the receipts of the Religious, Studien, and other similar funds, in aid of ecclesiastical, educational, or charitable objects.

Since the year 1834 some material alterations have occurred. No sooner had the decease of Francis removed those obstacles to improvement which the terror of that amiable but self-willed sovereign at every species of innovation had hitherto presented, than the Austrian cabinet directed its earnest attention to the adoption of such reforms as could be effected without too great a shock to the general service. A commercial treaty was concluded with England, which, although of perhaps less actual value to either party than has been sometimes represented, is of high importance considered as the first step towards greater ameliorations, and towards a political *rapprochement* between two great nations whose interests are essentially united. Concurrent with this treaty,—and, it may be fairly presumed, in some de-

gree, under the influence of British counsels,—the prohibitory system, that had remained unchanged since the days of Maria Theresa, has been abolished. Every article of foreign growth and manufacture may now be imported on an *ad valorem* duty; while certain restrictive regulations or privileges, which had greatly interfered with the importation of sugar and some other special articles, have been annulled. From these causes the revenue of the customs has materially improved, and has every prospect of a further and very large increase. The verzehrung-steuer, or tax on consumable articles, exhibits an increase, since the year 1834, of 8,000,000 of florins, or more than forty per cent.; and although this tax is in many respects of an objectionable character, yet its increased productiveness may be fairly considered as at all events evincing a corresponding augmentation of general prosperity. In the products of direct taxation, and especially in the grund-steuer, there has been little variation: but the other items of indirect impost almost all exhibit, like the customs and excise, more or less of increase, except the monopolies, which appear to have become less productive. While the revenue has thus improved, the expenditure, in the *aggregate*, would appear to have remained tolerably stationary. The interest of the debt, including the sinking fund, has advanced to 40,000,000 florins; and on some other heads there has been also, I believe, a small increase: but, on the other hand, the expense of the war department, including the

navy, has been reduced; and I believe I am not incorrect in stating, as the apparent result of the official accounts for 1838, that the income exceeded 144,000,000 florins, and the expenditure did not reach 152,000,000 florins, thus leaving a deficit of only about 7,000,000 florins, or 700,000*l.* sterling to be provided for by an augmentation of debt.

This state of the revenue in 1838, as compared with that which existed in 1834, affords a favourable view of the financial prospects of Austria. At the same time it must not be forgotten, that since 1834 a series of loans have been raised,—the last for 40,000,000 of florins in the present year, — the amount of which, if applied merely to cover annual deficits, would raise a necessary presumption of those deficits having each of them been little short of 2,000,000*l.* sterling. It is probable, however, that the money so raised has not been wholly required for that purpose; that a portion of it may have been applied for the extinction or reduction of such part of the public debt as has borne a higher interest than the improved state of public credit now demands; and that another portion may have been destined to defray the very large extraordinary expenses attendant on the recent coronations and Imperial progresses, which would appear not to have been brought into the accounts of the regular civil expenditure. It is, moreover, to be borne in mind, that, as the reforms in the customs department were only brought into operation in the course of the last two years, their beneficial results

have not yet been properly ascertained; and, taking all these considerations together, the recent loans can hardly impair our conviction that the fiscal condition of Austria is steadily improving, although they ought to impress upon the ministers the expediency of much more large and important improvements before that condition can be soundly and substantially solid.

I shall now briefly notice the various items of the public *income*, as they have been detailed in the earlier part of this Chapter.

DIRECT TAXES.—As was formerly the case in England, and as it still is in I believe every other country of Europe, the land-tax, or *grund-steuer*, is the most productive item of the revenue; and the mode of its collection has been naturally regarded as an object of great solicitude by the Austrian government. When, in the year 1706, the emperor Charles VI. took possession of Lombardy, the sovereignty of which was confirmed to him in perpetuity by the treaty of Utrecht in 1713, he found that long-continued disorders had nullified the land revenue altogether; and in that portion of his dominions, therefore, he determined on first introducing a regular and unerring system, which might afterwards be extended to the German provinces. The Milanese cadastro, that exact survey and delineation of the entire surface of the soil which has served as the model of the French cadastre and the German kataster, was commenced by a commission of Charles VI. in 1718. Its pro-

secution was suspended by wars and other circumstances; one commission following another, until about 1760, when the plan first assumed a definite form. It was still, however, imperfect: new circumstances arose to create new difficulties; and it was not until the year 1816 that this grand work can be said to have been wholly completed for the Lombardo-Venetian provinces. While these improvements were in progress in Italy, the collection of the land-tax in the German provinces received various modifications. In the feudal times which preceded Charles VI., its levy had been an instrument of severe and arbitrary oppression in the hands of the lords. The crown was satisfied in receiving the amount of its demand from the noble proprietors, leaving to them the faculty of its collection from their respective tenants or robotters, as they thought fit; and thus, in fact, exempting from payment the lands of the nobles themselves. This irregularity was modified as the crown gained on the aristocracy; and Maria Theresa embraced the opportunity of those peasant insurrections which occurred in Bohemia and elsewhere, to introduce some important practical amendments in favour of the people. In a variety of edicts issued from 1748 to 1756, and termed in the aggregate the "Theresian Rectification," she laid down rules and principles for the collection, varying according to local circumstances in different provinces, and aiming rather at gradual improvement than violent change; many of which remain to this day in force. Her

son, Joseph II., introduced by edict a totally new system; excellent in abstract theory, but so subversive of every rule of property, so incongruous with all existing institutions and habits, that his successor, Leopold II., abolished it *in toto*, in compliance with the request of deputations sent to petition him from every part of the empire. On the abrogation of the edict of Joseph, a new survey and valuation was made, but in an inexact and often partial manner; and with it the general practice of the Theresian Rectification was simultaneously restored. No further change took place until 1817, when, after much deliberation, it was decreed that the Italian cadastro should be extended to all the German provinces; but as this would be a work of great length of time, since its expense would not admit of the survey being carried on in several provinces at once, a *provisorium*, or provisional decree, came forth in 1819, which was to take effect until the kataster should be completed. This provisorium adopts much of the classifications and other details of the abrogated edict of Joseph. It calls on all feudal and other proprietors to render full accounts of their own and of their "subjects'" properties, with the value of their own feudal tenths, &c., to the imperial officers of districts; who, upon this information, aided by their own surveys and other sources of knowledge, form the schedules of the levies, which are executed under the orders and rules of the stände of each province. It is a considerable improvement on the former methods in use, but is still imperfect, provi-

sional, and often unjust. The work of the kataster has gone regularly forward since 1817, but it is as yet only completed for Carniola, Carinthia, and partially for Styria. Its labour and details are excessive. The scale of the mapping is about twenty-seven inches for the English mile. Not only are the boundaries of every minute holding marked, but the varieties of soil within the same, and the different kinds of culture, are distinguished by separate colours. Attached to each map, or rather portion of the general map, is a schedule, containing the name of the proprietor, the extent and description of surface, the nature and average quantity of produce of all kinds, and a valuation thereof, made as to corn on the average prices during the fifteen years from 1785 to 1800, and by certain fixed rules as to other articles. All valuations and computations are made by certain government officers, aided by uninterested inhabitants of the place, and rectified if necessary by the proprietor, who, on all subjects, is allowed an appeal. The tax itself is a per-centage on the actual or computed produce of the land; but the amount is not uniform, any more than the mode of levy. The crown makes its demand on the stände of each province for a specific sum, calculated on the proportion which it is estimated that such province should bear, and the stände then direct the levy according to the scheme of the valuations it possesses. Wherever the kataster has been completed the levy is just and effective; but, under the "provisoriam," and still more under those

more ancient "rectifications" which in some parts yet exist, a good deal of inequality and injustice is experienced. As to the actual amount of levy, it does not in fact vary much from year to year. In this, as in so many other respects, custom regulates what law does not; but, owing to the various modes of collection, as well as to the complicated scales of deductions and allowances made in different provinces, it is difficult to form a judgment of the actual percentage on the value of the produce. I should be inclined to state it, as a medium computation, at 24 to 26 per cent. on the assumed net value of the produce of the land; but whatever it be, its amount to the revenue will probably go on increasing as the value of the soil itself increases, and as the new kataster becomes introduced.

The *Haus-steuer* is raised in one of two ways.—In Vienna, in all the provincial capitals, and in some other considerable places, it is taken on the actual rental; or, in cases where the proprietor is at the same time inhabitant, the approximate annual value is taken by the government assessor, with right of appeal in case of surcharge. From the rental or value so ascertained, 15 per cent. is first deducted in regard of repairs and diminution of value. On the remaining 85 per cent. the tax is raised, divided into the "ordinary" tax of 13½ per cent. and the "extraordinary" of 4½ per cent.; but this division being only nominal, the real tax is 18 per cent. on the reduced rental, or about 15¼ per cent. on the actual annual

value. Out of the large towns, the tax is levied in rather a whimsical manner, according to the number of its inhabited or habitable rooms or apartments (wohnzimmer and kammern). For this purpose the houses are divided into twelve classes:—the first class, with thirty to thirty-five such rooms, pay 30 florins per annum; second class, of twenty-eight or twenty-nine rooms, 25 florins; third class, of twenty-five to twenty-seven rooms, 20 florins; and so on to the twelfth class, comprising houses of a single room only, which pay 20 kreutzers, or 8*d.* sterling. This schedule is based on the supposition of the rooms being all on the ground floor. If the rooms are divided into two floors, the house enters the class next below, and pays less accordingly. It is rather curious to read the definition of the rooms *liable* to computation for the tax: all sitting-rooms, ante-chambers, libraries, and cabinets, as well as bed-rooms, are rateable; while, on the other hand, kitchens, cellars, store-rooms, workshops, school-rooms, and counting-houses, are not subject to be reckoned. It seems evident that a tax thus levied must be liable to great evasion and uncertainty, and, in its descending to huts of a single room, little likely to pay the expense of collection.

The *Erwerbe-steuer* is a tax on all persons gaining a livelihood by trades, professions, and handicrafts; manufacturers, either as principals or servants, with the exception of persons engaged in agricultural labour, or raising raw products; hired servants or assistants of

tradesmen; public servants of the state; authors and artists; medical practitioners; and also school-masters, or other teachers, in places with a population of less than 4000 persons. The persons liable to the tax are divided into five (or, in some localities, only four) classes, paying not only according to the nature of their business, but according to the magnitude of the place they inhabit. In Vienna the tax on bankers, wholesale dealers, and others of the first class, is about 400 florins per annum, and on shopkeepers and other traders from 20 to 100 florins; while in places of less than 1000 persons, in some of the provinces, the scale descends to 8, 4, 2, and 1 florin.

The *Personal-steuer* has been of late years discontinued. After undergoing various alterations it became at last a fixed capitation tax of 30 kreutzers (1*s.* sterling), paid by every individual above fifteen years of age, with the exception of military officers and soldiers in actual service, with their wives and children, and persons with certificates of pauperism from the imperial authorities and the minister of the parish. It was collected, at the end of March in each year, from the head of each family, who was bound to pay in regard of all his family and inmates; foreigners and Hungarian subjects, temporarily in Austria, alone excepted.

The *Erb-steuer* is a small tax on certain inheritances, which, from its very inconsiderable produce, is not deserving of detailed account.

The collection of the direct taxes, and more especially of the two principal branches, the land and house tax, is made, as I have already observed, on assessments formed or regulated by the Stände. The collectors are either appointed by the crown, or, as is the practice usually on large feudal properties, these officers are named by the lord, and approved by the sovereign. They collect, in such case, the taxes both of the lord and of the "subjects," the lord bearing all expenses of collection, but not being liable for defaults either in the payers (except for his own private lands) or in the collector. The amount received is paid, by the collector, into the chest of the Stände, together with a list of the defaulters, if such there be. On each defaulter a soldier is quartered for a certain time (a few weeks), who must be lodged and fed at his expense. Should the money not be forthcoming within this period, a second soldier is added, as an inmate for a few weeks longer; and if the union of these two unwelcome guests be insufficient to induce the payment, the goods of the defaulter are taken by distress, and sold at public auction.

INDIRECT TAXES.—At the head of these is the *Verzehrung-steuer*, a tax extending over all consumable articles offered for sale; and this, pressing as it does so immediately on the poorest classes, appears to be the most oppressive, as it is the most unpopular of the Austrian imports. It is collected

at the entrance of the towns; and to those whose eyes have not been familiarised with similar spectacles in most of the continental countries, it is a painful thing to observe each poor peasant girl stopped at the barrier, and her little basket examined, lest she might have in it something liable to the impost. Pressing, however, on every class, since all are consumers, the productiveness of this tax has caused its imposition, not in Austria only, but in almost every part of the continent. In France,* where, under the name of Octroi, it is a municipal tax, its application is more insultingly oppressive than I have seen anywhere else: but in all parts it is bad; perhaps less so in Austria than in many others. In Austria, however, it is at present the more felt, from its being of comparatively recent introduction. Until a few years ago, a sort of composition tax, under the name of Klassensteuer, existed,—a tax for which every person

* I have known several instances in a provincial town of France where gentlemen, with their wives and families returning in their own carriages from their country houses into the town, have been stopped, and the carriage rigidly examined (the ladies often obliged to descend), on the pretext that there might possibly be within some bottles of wine made at the country residence, and brought in to be drunk in town! Such things I believe never to occur in Austria: but the fact is, that in France, "la police" justifies every oppression, however exceptive and unconstitutional; and in no country of Europe is there, *within* the frontier (I speak not of the facilities of moving *beyond* it, but within the frontier), so much and such arbitrary infringement of personal liberty.

was rated, not according to his real, but to his probable or supposed consumption, estimated according to his means. It was in fact an income tax; for the payment of which the payers were placed in different classes, graduated according to their own returns of income upon oath. The same objections, however, were urged to this income tax in Austria, as with us in England. Its inquisitorial character rendered it hateful, and its tendency to produce perjury caused it to be decried as immoral. In a financial point of view, too, it had this great additional fault, that owing to the laxity of the sworn returns, it became progressively less and less productive. The Klassensteuer was therefore repealed, and the Verzehrung-steuer substituted in its place.

The department of *customs* requires, and is in course of receiving, a complete revision. Contraband prevails at present to a vast extent; and, considering the great range of frontier, it is indeed vain to hope that in Austria any more than along our own coasts, it can be altogether prevented; neither can it be expected, while Hungary refuses to bear a quantum of taxation more proportionate to that of the German and Italian states, that the duties can be equalised, or the line of custom houses removed between that kingdom and the other dominions of the emperor. The general rules (subject to certain exceptions) have hitherto been, that goods imported from Hungary pay one half of the duties levied on similar goods from other states; that no article of Hungarian growth is

prohibited; and that, as regards manufactured goods, Hungary shall receive those of Austria on duties fixed by the crown, and shall not be allowed to import any from foreign lands, which are not importable into the Austrian States. The great evil, however, of the Austrian duties is, not their magnitude but their uncertainty. When an article of import or export has yielded productively, it has been too much the habit, with a thorough dereliction of sound commercial views, at once to double the duties; thus baffling all mercantile calculation, and destroying, perhaps for ever, some of the most promising branches of revenue; and when some time afterwards the effects of the error have been perceived, and the former rate of duty restored, it has been too late to remedy the mischief created. Another fault is that laxity of practice, that kind of real indulgence, which, as in so many other respects, is combined with an ostentatious severity. Foreign wines, cloths, porcelain, and manufactures of almost every kind were, until last year, nominally prohibited: but all might be received for private use, paying an *ad valorem* duty of sixty per cent. The consequence was, that such foreign goods as were really wanted in the market, were easily imported as for private use, and were exposed for retail sale with forged custom-house marks. Neither, as regards sound commercial principle, might such importations perhaps be deemed any considerable evil, did they *really* pay the adequate duties: but, by a not unusual fraud of practice, one licence for a specific quantity

or measure of goods was made to cover several successive importations, one only of which paid the duties; and thus no inconsiderable portion of contraband trade passed through the custom-house itself. A remedy to a certain extent for these and other abuses has been already applied, in the abolition of the restrictive system, and the admission for public sale of all those articles which might be previously imported for private use alone; although an inspection of the new tariff will show that the duties themselves have not been reduced, and that such articles, including almost every kind of foreign manufacture, still pay a duty of 60 per cent. It is expected that the fiscal regulations as between Austria and Hungary will ere long undergo a complete revision;—that the tobacco monopoly will, as a monopoly, be altogether discontinued;—and that the import duties on goods from foreign countries will be lowered, as rapidly as the respect due to existing vested interests will admit. With such ameliorations, united to the adoption of a sounder and purer system of general administration, there can be little doubt that the revenue of the customs will materially improve.

Of the other items of indirect taxation, little need be said; their titles sufficiently explain their nature. The *lottery*, like that of France until the last year, is in constant operation, and may be supposed in Austria, as well as everywhere else, to have somewhat of an immoral effect, by encouraging a gambling spirit; but this is the only species of public

gambling allowed in the Austrian states. The *stamps* extend not only to all writings used for an official purpose, and to the public journals, but to all papers, printed or written, which are used as announcements or notices, fixed on walls, or otherwise circulated. The *barriers* or turnpikes are somewhat heavy upon travellers in some parts, as where a new bridge has been erected or a new causeway formed; but in general they are lighter than in Saxony, Bavaria, and several other parts of Germany.

CHAPTER XIII.

FINANCES *continued* — *Monopolies* — Gunpowder — Tobacco — Salt — *Domains* — *Mines* — Tables of Gold and Silver produced — Extraction of Gold at Böckstein, Mehadia, &c. — Quantity of Gold produced now and at former Periods — Expenses of Production, and Accounts of the Mining Department — Table of all Metals produced in the Empire — *Revenues of Hungary*, and Observations thereon.

THE monopolies are *salt*, *tobacco*, and *gunpowder*; the last of which is hardly worth notice, since it produces a clear income of less than 1000*l.* sterling a year.

Tobacco is a more important branch of monopoly, having yielded in 1834 a revenue of nearly 900,000*l.* sterling, but which is now reduced by more than a third. The monopoly does not exist in any shape in Hungary; but in every other part of the empire tobacco can only be manufactured at the royal fabrics, and only be sold by those retailing officers of the government who are established in every town and village. The raw article has been usually purchased from the growers in Hungary, through the medium of merchants, who have contracted for the supply of certain quantities at fixed prices; but in 1834, the contractors having experienced heavy losses from the failure of the crop in Hungary, and

the consequent necessity of procuring the article from other quarters, the contracts were not renewed, and the government in 1835 adopted the new plan of fixing a price, at which certain quantities, and of certain qualities, should be received from any growers whatever, if delivered to its agents in Pesth and other Hungarian towns. It was not expected, when we were in Hungary, that this experiment would answer; and I believe the old system has been since restored. From some rather curious details now before me, I observe that the gross sum at which the tobacco was sold in 1834 was about eight times that of the original purchase; but in this difference are to be comprehended all the charges of carriage, manufacture, and various other heavy expenses. One evil of this monopoly is the enormous contraband that it occasions. The growth and manufacture being perfectly free in Hungary, and the price there only as one to eight, in comparison of that for which the manufactured article sells just across the open frontier between it and Austria or Styria, these evils immediately result: first, the support of an expensive and numerous body of military Douaniers along the line;—secondly, the frauds on the revenue occasioned by the great quantity actually introduced, in spite both of laws and soldiers;—and thirdly*, the rigid inspection to which

* It is but just to add, that we had, ourselves, no personal experience of this evil. In twice entering Austria from Hungary, our words were taken that we had no tobacco or other

persons and merchandise are frequently subjected, in passing from one territory to another, both subjected to a common sovereign.

The monopoly of *Salt* is the most important of the whole, yielding in 1834 an income of little short of 2,000,000*l.* sterling;* and it forms, with the Verzehrung-steuer, the heaviest pressure on the comforts of the people. Unlike that of tobacco, the monopoly of salt extends over Hungary; and thus, throughout the whole empire, salt can only be purchased of the government vendors, established in

forbidden article; and no examination whatever was made of our carriage or effects at the frontier. On entering *afterwards*, on one occasion, the gates of Vienna, some examination was commenced, but it ceased on our explicit declaration that we had none of the forbidden article; a declaration which, from some misconception of our own, we had not in the first instance clearly expressed. So rigorous however is the search for contraband tobacco, where suspicion exists, that a friend of mine having returned from passing a few days in Hungary, his servant's room was searched in his absence at one of the principal hotels in Vienna; and the same occurred in the apartments of two English gentlemen, who had likewise lately arrived from Hungary.

* I have stated this from my personal inspection of official documents, but it has been recently stated to me, as coming also from official authority, that the clear benefit to the revenue was never more than 1,100,000*l.* or 1,200,000*l.* The difference probably arises from the smaller sum not comprehending the portion of revenue derived from the action of the monopoly in Hungary and Transylvania, the financial accounts of those states being kept distinct. The amount I have stated comprises the whole.

every town, and almost every village. There are many sources of supply, but the principal ones are, the mines of rock-salt which exist in Gallicia (at Wieliczka), in Transylvania, in Northern Hungary, at Hallein Aussee Ischel and other places near Salzburg, and at Hal in the Tyrol. All of these belong to the government, and are worked by its agents; indeed, a vein of rock-salt discovered in the lands of any individual, becomes, under certain regulations, royal property. In the maritime provinces, and along the coast of Istria and Dalmatia, there are works for producing salt from the sea-water, which belong to individuals; but these are under the strict surveillance of the government officers. Only a certain number of salines may be worked, in pursuance of licence annually granted: only a certain quantity of salt may be made; and this must be sold to the government itself, at a regulated price. In places very distant from the sources of supply, certain quantities of foreign salt are permitted to be imported from abroad; but the agents of the government must alone be the importers and the vendors; so that the whole sale and management of the article, in every shape, is in the hands of the officers of the crown. It is altogether a heavy impost, and has been more generally a subject of complaint than any other with which I am acquainted. The selling price is regulated somewhat in this manner:—A fixed sum is calculated as the expense of production: another fixed sum is taken in regard of profit: to the amount of

these two is added the actual expense of carriage, which, on so bulky an article, especially in such a roadless country as Hungary, is very heavy; and hence the cost varies in every town according to its distance from the mine. When we were at Pesth, in 1835, the hundred weight, equal to 123 English pounds, cost florins 7:20 (14*s.* 8*d.*); while the mere first cost of extracting the hundred weight from the mine may be estimated at only 8*d.* or 10*d.** There is a good deal of contraband in this article also, although less than in tobacco. It is smuggled across the frontier from Wallachia into Hungary, and likewise run up into the country from the coasts of Istria and Dalmatia, and the Littoral of Trieste; but this contraband is of late much diminished, and salt is comparatively, as well as positively, a much more productive monopoly than tobacco.

Domains.—As to the domains, no further observation is requisite but that the lands here referred to are such as are understood to belong to the *government.* Others there are, and of greater value, which form a portion of the private revenues of the crown; but of these separate revenues no correct information

* This cost price, however, either as to actual money paid, or as to the profit derived to the government at the expense of the consumer, is small compared to those which existed in England until a few years ago, when the salt-duties were repealed. The price at which the producer could sell a bushel of salt in Cheshire, having paid all his expenses, and taken his profit, was about 1*s.* per bushel. The government duty was 20*s.* The charge on the producer therefore was 2000 per cent.

can be obtained. The latter contain several items of receipt, fixed or casual, one of which is the income of certain feudal properties in the interval between their lapse to the crown and their re-grant to other holders. The greater part of the seignorial lands in Hungary are subject to such contingencies. They are held on various modifications of tenure, and some lapse to the crown on failure of male heirs in the direct line; others on such failure in collateral lines more or less remote; and others again on the occurrence of certain special contingencies. The sovereign is indeed bound by the constitution to re-grant all such lands to some other "well-deserving persons;" but during the period which he may require for weighing the comparative pretensions of different individuals, the income is paid to the private revenue of the crown.

Mines.—These are of far greater interest than the domains; not for their value to the revenue, which is very small, but as regarding the amount of increase which they annually yield to the stock of European circulation. The precious metals are not matter of monopoly in the Austrian empire. The mines are indeed in a considerable proportion the property of the government: but every individual is competent to work such as he may find on his own estates, on the condition of yielding one-tenth part of the produce to the crown. Before entering into further details, I will place before the reader the following table:—

Gold and Silver produced in the whole Empire, from both public and private Mines, in the following Years:—

		Gold.		Silver.
1819 to 1827 both inclusive		39,386		720,659
1828	marcs	4670	marcs	80,860
1829	„	4549	„	85,186
1830	„	4516	„	84,639
1831	„	5558	„	101,451
1832	„	5055	„	95,442
1833	„	5218	„	92,234
1834	„	5311	„	93,062

The Vienna marc used in these tables is equal to nine ounces Troy weight. One marc of gold is considered worth 366 florins $53\frac{53}{71}$, or £36. 13*s*. $9\frac{1}{2}$*d*. nearly: one marc of silver worth 24 florins, or £2. 8*s*. Thus, the value obtained in the year 1834 was, in gold 1,949,137 florins, or £194,913. 14*s*. sterling, and in silver 2,233,488 florins, or £223,348. 16*s*. sterling. In the year 1834, the 5311 marcs of gold stated above were produced, 1288 from government mines, and 4083 from private. The 93,062 marcs of silver were 55,439 from the government mines, and 37,632 from private. From these data a sufficiently accurate idea may be formed of the general proportion of the one class to the other.

Almost all the gold, and nearly three-fourths of the silver, are extracted from mines in the mountainous regions of Transylvania and of Northern Hungary, as will be seen by the following table of the quantities produced in those two countries for the years

1832, 1833, 1834, compared with the account already given of the entire quantities obtained in those years from the whole empire :—

		Hungary.	Transylvania.
Gold produced in 1832	marcs	2267	2266
1833	„	2205	2862
1834	„	2144	3000
Silver produced in 1832	„	65,384	5198
1833	„	61,373	4321
1834	„	61,987	5431

Deducting these quantities from the whole, the rest of the gold is obtained partly from washings in the sands, rivers, and torrents, in the south-eastern part of Hungary near the borders of Wallachia,* and partly from mines worked in the valleys of the Noric Alps, at Bockstein, Rauriz, &c. in the vicinity of that supremely romantic watering-place Gastein. The silver is found in combination with lead and other metals, in the mines of Styria, Upper Austria, Bohemia, and some other parts of the empire.

In the former part of this work I have had occasion to mention our visit to the gold works of Bockstein, where the metal, having been conveyed in the ore from the neighbouring mountain, is obtained by pulve-

* Nearly all the rivers of Southern Hungary are slightly auriferous. Gold is found in the sands of the Danube, the Marosch, the Nera, and the torrents of the mountains near Orsova. Some little has been detected in the Drave, and in the White Korosch.

rization and washings on a series of nearly horizontal planes, worked by machinery. In the splendid vale of Mehadia, in Southern Hungary, we saw a process of somewhat similar character: but nature had there effected the pulverization, and man had only to take up the mud or sand of the torrent, and by applying the same sort of nearly horizontal agitation, to seek for an aureous deposit, which however he very rarely obtained. The rocky fissure through which the torrent descends at Mehadia is of granite, quartz, and crystalline limestone; and the gold of Northern Hungary is likewise chiefly, if not entirely, found in quartzose rock.

Whether the quantity of the precious metals produced in the Austrian States eighty or a hundred years ago, was greater or less than it is at present, is a matter on which much doubt may be entertained. The only accounts we have on the subject, those of travellers, or of scientific men such as Baron Born and Ferber, were derived from partial and ambiguous statements; and indeed the complicated manner in which the records of the mining department are kept, renders it very difficult, even where these records can be examined, to arrive at accurate results. It is stated by Schwartner, that in the year 1744, which was a very productive one, 2429 marcs of gold, and 92,261 marcs of silver were delivered to the Hungarian Mint at Kremnitz; and Born tells us of the gold extracted from Transylvania in his time, amounting to from 2000 to 2500 marcs per annum:

but I have little confidence in the exact accuracy of these statements, however consistent they may be with probability. The tables I have given of the produce since 1819 are absolutely accurate as far as the government mines are concerned, and must be so within a mere trifle as to the private mines also. The difference between the two in point of precision arises from this: that the amount produced in the private mines is calculated from the tenths paid to the crown; and although the jealous superintendence of the government renders fraud very difficult, yet the quantities reported will naturally be rather below than above the reality. Hence the aggregates ought to be taken as a very closely approximate *minimum*.

We have seen, from these statements, the quantities of metal produced, but not the expenses of production; and it is not very easy to arrive at truth on this point, on account of the "montanisticum," or mining department, containing six branches, which are very much mixed up together: namely, 1st, the produce of the government mines, of the government forges, and of sales of metals made to individuals; 2nd, the account of the tenths received from private mines; 3rd, the "fabriken," or buildings, machinery, and works; 4th, the coinage establishment; 5th, the produce of stamps affixed to goldsmiths' and jewellers' articles; and 6th, the administration of those woods and lands which are attached to the mines. It appears, however, on the whole, that not only the works of Böckstein are carried on at a loss,

but that the same is the case as to the mining department generally in Transylvania, notwithstanding its evidently increasing produce of metal; the balance of *loss* thereon (in Transylvania), having been in the year 1834 no less than 112,671 florins, 11,267*l.* sterling. The Hungarian mining department yielded a profit in the same year of 278,081 florins. The quicksilver mines of Idria, of my visit to which I have given an account, are profitable; so are some royal mines of lead, silver, &c., in Bohemia; and so likewise have the prospect of being some silver mines in the Military Frontier, which were first worked in 1831, the produce of which accounts for the sudden increase in the quantity of silver in that and the following years, over those of the preceding. I conceive myself, however, to be correct in stating, that the whole profit derived to the revenue from the entire mining department of the empire was, in 1834, only 1,583,474, or 158,347*l.* sterling. The produce of mines must always be in some degree a matter of chance; but, from the information given to me on the subject I am led to believe that the revenue of this department might be, and probably will be, greatly increased by the adoption of a more simple administration, and the substitution of a more careful and scientific and less extravagant practice in the amalgamatic and other extractive processes. Before quitting the subject of mines the following statement will not be uninteresting:—

Mineral Products of the whole Empire, including Hungary and Transylvania, for the Year 1834, *distinguishing between the Mines belonging to the Government and those of Individuals.*

	Government.	Private.	Total.
Gold, marcs* . . .	1,282	4,083	5,311
Silver „ . . .	55,439	37,623	93,062
Quicksilver, quintals .	3,543	31	3,574
Tin „ . .	36	887	923
Copper „ . .	13,992	28,627	42,619
Lead Ore „ . .	2,376	10,457	12,833
Zinc „ . .	153	45	198
Iron „ . .	384,551	1,224,847	1,609,389
Ditto Cast „ . .	59,343	148,858	208,201
Coal „ . .	46,341	4,193,500	4,239,841

The total official value of the above minerals, is—

Produce of Government mines . .	5,199,195 florins
„ Private do.	10,321,597
	15,520,792
Or	£ 1,552,079 sterling.

Revenues of Hungary.—The revenues of Hungary, which I have set down at 532,600*l.* sterling, or 5,326,000 florins, form the last item of the Austrian income. In revenue, as in all branches of government, Hungary is a totally distinct kingdom. She partakes in nowise of the general taxation of the em-

* The Vienna made used here, as before stated, is equal to 9 ounces troy weight; the Vienna quintal to 123 English pounds. The official valuation is,—gold, per marc, 366*fl.* 53½ *kr.*; silver, 24*fl.*; quicksilver, per quintal, 115*fl.*; tin, 45*fl.* 26 *kr.*; copper, 51*fl.*; iron, raw, 2*fl.* 40 *kr.*; Iron, cast, 8*fl.* 37 *kr.*; coal, 9*fl.*

pire. She furnishes, by vote of her diet, an army raised by conscription or recruitment, of 64,000 men, cavalry and infantry; and she grants for the pay, clothing, equipment, indeed the total support of that army, the fixed sum of 5,000,000 florins (500,000*l.* sterling), which sum is raised by a kind of clumsy and very ill-adjusted land-tax, from the class of peasants or cultivators alone; all nobles being exempt save as they may hold peasant lands under a superior lord. To this fixed sum may be added about 160,000 florins, raised as a toleration tax on the Jews: about 150,000 florins paid from episcopal benefices for the support of fortifications; and 16,000 florins levied on a peculiar district termed the Zips Towns; none of which sums, however, are given with any confidence in their exactness. This is the entire of the direct taxation, and no officers of the crown are employed in its collection;—the county meetings, composed of all the nobles of each county, raising the revenue by their own officers, and handing it over to the royal receivers.

This is not, indeed, to be taken as the total sum yielded by Hungary towards the budget of Vienna. She furnishes some portion of the general items of indirect revenue, given under the heads of customs, stamps, lottery, post-office, and salt monopoly; but, upon the whole, her fiscal contribution, considered with reference to her numerical population, is very far below that of the German and Italian provinces. The difficulties in the way of any considerable finan-

cial alteration in Hungary are exceedingly great; and the whole circumstances of that kingdom are so peculiar and so complicated, that it would be vain to attempt an elucidation of them in a cursory chapter on Austrian revenues.

In concluding the subject of Austrian finance, it may be safely predicted that, should the government succeed for a few years longer in the maintainance of internal and foreign tranquillity, it will publish to the world an annual budget, as detailed at least as that of Prussia, if not so much so as those of England and France. That this is not at present done, may be ascribed to the causes to which I have before adverted,—the expediency, before public discussion is invited, of allowing some little further time for the cicatrization of the wounds inflicted on the state by the disastrous events of the wars with France; the intention to effect reforms in the management of the mines, the monopolies, and other branches of revenue; to diminish the expenses of the civil government as far as this can be accomplished without injustice to individuals; and especially to reduce the military establishment, so that the expenditure of the state may no longer, as it now does, exceed the income.

Neither may these be the only motives for some further delay. Of the direct imposts the produce must remain imperfect, until the new valuations of property, now in progress, are completed. In the

principal branches of indirect taxation, a vacillating and temporizing policy has been followed, (united, too, with a very expensive mode of collection,) injurious to individuals, and unproductive of benefit to the revenue. The commencement of the new reign may form an important epoch. Substantial and effective improvements may probably be introduced; and a sound commercial and financial system may be gradually adopted, where shortsighted and injudicious expedients may have hitherto prevailed. Until, however, this be effected, the government may feel indisposed to challenge investigation into the *management* of those resources on which the public credit reposes, although conscious of the *solidity* of the resources themselves, and strong in the confidence produced by its strict observance of pecuniary faith during the last twenty years; and if it be actually engaged in a course of progressive reform, which, to be effective, must be gradual, it may wisely suppress those premature discussions, which would be likely to interfere with the fulfilment of its salutary dispositions.

CHAPTER XIV.

INTERNAL AND FOREIGN TRADE—Natural Resources of Austria—Table of Exports and Imports, with Observations—Products and Trade of Hungary, &c. — Chief Articles of Export—Wool—Tobacco—Silk—Obstacles to Foreign Trade—Fluctuation of Duties, and Financial Errors — Defensive System adopted by Neighbouring States — Physical Difficulties of Internal Communication — Geographical Notice — Rivers—Projected Railroads—Uncommercial Character of the Hungarians—Steam Navigation of the Danube.

TAKING a survey of the whole of this great empire, it may be justly affirmed, that no sovereignty in Europe possesses natural resources so abundant, or so varied. The silks and oils of Lombardy and Venice; the fleeces of Hungary and Bohemia; the mineral riches of the German and Hungarian provinces; the millions and millions of acres of the richest soil, in all parts (save in Italy) as yet but partially cultivated, and in Hungary still in great measure unconscious of the plough; all these, in a dominion inhabited by 35,000,000 of people, are so many inexhaustible sources of national opulence. They require only to be developed by a wise system of government, aided by internal and foreign tranquillity; and whatever may have been the errors of the past, it is but justice to the existing administration to assert, that its anxious views appear now

to be directed to the fostering and improving all the various branches of national prosperity.

First, let us consider the nature and extent of her *foreign trade;* on which I offer, as a prelude to the remarks which may arise on the subject, the following official statement with a few appended observations, evincing how little it is calculated to give exact ideas:—

Value of Foreign Trade in 1834.

	Imports.	Exports.
German Provinces .	Fl. 61,981,390	Fl. 68,533,685
Italian Provinces .	34,288,855	34,960,722
Hungary and Transylvania .	11,511,164	7,598,534
	107,781,409	111,092,941

Here we see the value of imports and exports so nearly balanced, as to show an excess of about 400,000*l.* sterling only, in the latter over the former. All such statements however must be quite illusory, where, as in the case before us, the computations of commodities are made in official, not in real, value. The transit trade is intermixed, too, with that which actually rests in the empire, and no notice is taken of the trade between Hungary and the German or Italian provinces; the consequence of which is, that Hungary and Transylvania here appear to import more than they export, which is true only as regards their intercourse with the states of other sovereigns; whereas, if the dealings between Hungary and Austria were taken into the account, the balance would be largely turned on the other side.

Austria aims at being a great commercial country; and the cheapness of manual labour, together with her native stores of raw material, especially wool, silk, hides, and minerals, might seem to afford her important means of becoming so. On the other hand, the difficulty of her internal communications, and of her access to the sea, arising from the mountainous character of her soil; that tranquil contentedness of mind, and indifference to the value of time, which characterize her population; and, as regards Hungary, the anti-commercial spirit of her feudal institutions; all combine to create the belief, that for a considerable time to come she will not be in the list of large exporting nations. Her native industry is still feeble, even in those branches wherein she may appear to have the greatest natural advantages. With Styria close at hand, the contractors for the railway from Vienna to Raab are actually importing the iron railwork from England, although, besides the sea freight and the import duty, the mere charge of carriage from Trieste to Vienna will exceed £10 sterling per ton; and the chains for the bridge proposed to be suspended across the Danube from Pesth to Buda will be brought from the same distant source of supply, although subjected to a still more difficult inland transport. Of the articles which enter into general vestiary or domestic use, several are made of very superior excellence; but as yet, with few exceptions, not in larger quantities than to suffice for the home demand. To encourage and extend these native fabrics, is a favourite object

of the government. For this purpose, a substantially prohibitory duty of sixty per cent. *ad valorem*, is still imposed (whether judiciously or otherwise is a question too large to be here discussed) on all goods of foreign manufacture; while the import duties on raw materials of foreign product, are very small, cotton paying only 3*s*. 4*d*. sterling per cwt. of 123 English pounds, hides 1*s*. per cwt.; cotton yarn of all numbers 3*d*. sterling per pound, wool (of which some coarse is imported, while the export is of the fine qualities) 1*s*. per cwt. The trade between Austria and Hungary is regulated on distinct principles, of which some notice has been taken in a former chapter. No article grown or made in Hungary, is prohibited in Austria; but as regards woollen, and some other manufactured goods, the Hungarian article imported into Austria is subjected to much higher duties than the Austrian article imported into Hungary. Silks, manufactured as well as raw, are importable from Hungary duty free; but the Hungarians are an unmanufacturing people, and although Southern Hungary is a country peculiarly adapted for the silk-worm, and the government have held out every encouragement for its culture, yet the silk manufactory at Pesth (the only one I believe within the kingdom) is obliged to purchase its raw silk almost wholly from Italy. On other raw products (salt and tobacco excepted), duties are levied according to a special tariff. The general rule obtains, that those of Hungary shall pay one-half of the duties levied on similar goods

from other countries, where such are legally importable; but this rule has many exceptions, and altogether, the commercial relations between the two branches of the emperor's dominions are on an unsettled and unsatisfactory footing.

In looking over the lists of imports generally into the whole empire, I observe among those of principal importance, in the year 1834, cotton wool, imported to the official value of 4,469,942 florins; and cotton yarn, 7,992,276 florins. Of sugar and coffee, it is more easy to arrive at *quantities;* and it appears that, in 1833, the importations were, of raw sugar, 330,687 cwt.; refined, 1918 cwt.; coffee, 77,980 cwt.; the cwt. being equal to 123 lbs. English. Among the articles of export in 1834, were Bohemian glass-ware to the official value of 3,500,000 florins; hemp and flax, 4,500,000 florins; metals, 6,300,000 florins; timber, staves, and rags, in quantity sufficient to load more than 100 sail of vessels from the port of Fiume alone; and which, from their bulky nature, are thus important instruments in the formation of a commercial marine. The most considerable articles of export, are the silks and silk stuffs of Italy, which were officially valued in 1834 at 23,275,793 florins; and sheep's wool at that of 32,865,413 florins, or the same number of Viennese pounds weight; the official value of wool being one florin per pound. In the preceding year, the quantity of wool exported had reached 36,589,205 Viennese pounds, or 297,473 cwt. English; and

although there appeared thus a diminution of 4,000,000 lbs., it was confidently believed that the quantity would again rise; but whether such has been actually the case, I have not before me any official returns which enable me to decide. An increasing quantity, however, is now annually taken by the native manufactories in Gallicia, Moravia, and other districts, which are generally in a thriving and improving condition; and unless the flocks increase in the same ratio, this must tend rather than otherwise to check the exportation. England and France have been among the chief importers of this wool, which yields little, if at all, in quality to the finest Saxon; and of late, the Americans have also come into the market, of which, the first operation was a contract made at Vienna in 1836, for 1,000,000 lbs., to be shipped at Trieste for the United States. This appears to be a great and improving source of national wealth. There are already numbered in the empire, from 19,000,000 to 20,000,000 of sheep;* of

* So enormous are the products of natural and artificial wealth in our own country, that, in judging of the resources of any foreign nation, comparison should be made, not with ourselves, but as between one foreign nation and another. For instance, in the article of sheep, the small region of England and Wales alone, contained in 1800 (according to Mr. Luccocke, who is deemed a good authority), 19,007,607 sheep. Whether the number has since increased or diminished, may be doubted. Again, of iron the quantity produced exceeds 800,000 tons. One English iron-master turns out more iron than the entire kingdom of Sweden; and one English manufacturer constructs more steam-engines than are made in the whole of France.

which, about 12,000,000 are in Hungary and Transylvania, roaming over the widely-extended pastures of Princes Esterhazy and Bathyany, Count Karoly, and numerous other large proprietors, whose custom it is to form contracts with capitalists at Vienna, by whom the fleeces are received in the mass, cleaned and assorted; and the larger portion exported to distant countries under the general name of Austrian wool.

The foreign trade of Austria, especially if that be excepted which belongs peculiarly to the Lombardo-Venetian states, is thus far from important; and it is not difficult to perceive that obstacles exist to its extension, partly in the physical character of the country, partly in the commercial policy of the neighbouring nations, and partly also in the injudicious measures of the government itself. Of this latter source of discouragement, the principal, as I have before intimated, consists in the fluctuation and uncertainty of duties, and the habit of levying increased imposts on any branch of commerce which is perceived to have improved. Such was the fatal error by which the export of Hungarian tobacco for the consumption of Bavaria, Central Germany, and a good part of Italy, was lost for ever. Twenty years ago, the supply to those countries was immense; when, in an evil hour, a large export-duty was imposed, which induced the Bavarians to commence the cultivation of tobacco in their own territories, from whence it has spread to various others around them. The error was perceived, and the duty in great mea-

sure repealed: but the mischief was done, and the culture of tobacco from that time forward has, even in Hungary, gradually declined. A kindred error was apprehended as probable, when we were at Fiume, in regard to the export of staves; a branch of commerce which, in a few years, had arisen to such an extent as to have employed, in the year 1835, eighty-nine Austrian vessels, sailing from that and the neighbouring ports alone. A new duty was then projected, equally heavy in its pressure and absurd in its mode of levy. Hitherto there had been a small *ad valorem* duty on the export of staves, computed by their number: but it was now proposed that the duty should be increased, and levied by weight! under which notable regulation, the charge for weighing, to ascertain the duty, was to exceed the duty itself. The plan was suspended and ultimately modified; but those must have been strange financiers who could have ever conceived the idea of levying a duty upon wood by weight; and of doing it in such a manner too, as that one-half only of the sum raised should pass to the government, while the weigher would receive the other! Errors such as this could arise only from great inexperience in commercial legislation; and hence we may well believe that with the increased intelligence and wisdom of the present cabinet, they will never be again repeated. Austrian ministers have too often thought, as some twenty or thirty years ago the governors of more commercial nations may have thought also, that in

matter of finance, the addition of three to three would yield six; until with surprise they have seen that the product was but one, if it did not vanish altogether. As to their intentions, indeed, for the commercial prosperity of the nation, no doubt can be entertained. Not only did they give entire freedom of port to Trieste and Venice, and (in order to satisfy their Hungarian subjects) to Fiume, Buccari, and Porto Re also; but they have observed that freedom with the most exemplary fidelity, under circumstances which would have tempted statesmen of some other countries to very different conduct. The result has rewarded their honest and firm perseverance in following up a soundly-adopted principle. Venice is slowly rising once again towards comparative prosperity. Trieste has become the most important and prosperous port in the Mediterranean, and has in great measure superseded Genoa and Leghorn, in the supply of colonial and foreign goods even to Switzerland and Southern Germany—an advantage derived from the judicious policy of her government in allowing a freedom of transit through her states to those beyond them. I have no note of the Austrian commercial marine, but I know that it has of late years greatly increased. A preferential treaty was made with the new kingdom of Greece before England was aware of it; and the Austrian flag is now seen, not in the neighbouring seas only, but in the Gulf of Bothnia, and on the western shores of the Atlantic, and even at Valparaiso and Chili.

Another class of obstacles, which I have mèntioned as opposing the extension of the Austrian foreign trade, is to be found in the situation of the neighbouring states. Hungary exported her wine in former times largely into Poland, where it was the favourite beverage of the opulent. The heavy duties imposed by the Russian government, in concurrence perhaps with other circumstances*, have nearly annihilated this branch of profit; and of 22,000,000 eymers † of wine, which are supposed to be annually produced in Hungary, the quantity passing the frontier of the kingdom hardly exceeds one million, nearly the whole of which is consumed in Austria. In the most important of the other states touching on Austria, the Prussian custom-house confederation prevails, of which Austria has not become a member, and probably never will. She consequently cannot send thither with advantage the generality of her commodities and manufactures, as she will not receive theirs in return. The Bohemian nobles, however, complain much of their being thus deprived of a profitable export for their agricultural products into Saxony and Silesia: and, possessing as they do from

* Among these is in some degree to be included the *export duty* levied in Hungary on wines sent beyond the frontier into Austria or any foreign country. The whole system of duties is one of the standing grievances of Hungary; but I purposely abstain, at present, from any disquisition on the differences between that kingdom and the other dominions of the emperor.

† The Austrian eymer is equal to about twelve English gallons of our old wine measure.

their vast properties considerable weight in Vienna, it is probable that they will ere long succeed in inducing some arrangement, for an interchange of commodities. In the mean time, a project has been formed, and is in course of realization, which, if completed, will have important results. Austria may have originally viewed with too much indifference the Prussian custom-house confederacy, flattering herself as she did, that by a different arrangement of her own tariff, it would be at any time in her power to defeat its object. That indifference has yielded of late, to feelings somewhat akin to alarm. Austria has perceived the influence which Prussia has been gradually acquiring over the German states, as the chief of this general combination; and in order to counterbalance or nullify that influence, she has endeavoured to establish in the south a counter confederation of the "Danube States," which may probably be soon arranged. It would comprise Austria, Bavaria, and Wirtemburg; and although such a total abolition of mutual duties as exists under the Prussian system might not be practicable, it would at any rate afford facilities of commerce highly important to Austria.

A third class of obstacles to general maritime trade, of a still more formidable nature, exists in the physical character of the country—the want or imperfection of river navigation—and the difficulty of communication with the sea, from the regions of the Danube, which form the great centre of the national

German resources. The coast of the Adriatic is Austrian from the mouths of the Po to the southern extremity of Dalmatia,—a line of more than 600 English miles: yet, in the whole of this extent, two rivers only, of any importance, are to be found; and these two, the Po and the Adige, entering the sea very close to each other in the Gulf of Venice, are useful only to the Italian states. The entire coast, from the low land of the Venetian territory to the extreme Dalmatian frontier at Ragusa, is formed of a continuity of chiefly limestone mountains, which rise either at once from the sea, or leave only between them and it a narrow alluvial strip of soil, through which indeed occasional streams descend, but all of them necessarily short in their course, forming impetuous torrents in the spring, and channels nearly dry during the rest of the year. Harbours abound, formed either by indentations in the coast, or by that remarkable series of islands, large and small, which extend along the whole line of Dalmatia. They are, too, excellent already, or capable of being easily rendered so; but, from the proximity of the hills, they are nearly inaccessible from the country behind them. Even at Trieste this barrier is so formidable, that the only exit from that important depôt towards Germany, is by a constant zigzag ascent of nearly five English miles to the summit of heights, which at an elevation of sixteen hundred feet overhang the city, and which only lead to a succession of other hills, covering the entire provinces of Carniola, Carinthia, and Styria.

Over this wild country are conveyed in waggons of seven, eight, and sometimes ten tons, often drawn by eighteen or twenty horses and oxen, all the articles destined for Austria, Switzerland, and southern Germany; and hence it happens that the expense of conveying a ton of cotton from Trieste to Vienna is precisely the same as is paid at this time from Calcutta into Manchester. If we pass from the coast to the interior, we may there seek in vain for rivers affording safe outlets to the ocean. We see the Danube traversing the Austrian possessions for nearly a thousand English miles; but it has thenceforward a course of four hundred miles farther, before it reaches the Black Sea; and its banks, during all this latter course, are either in the actual possession of Russia, or more or less under her control and influence.* The Mur, the Drave, the Save, the Kulpa, the Hungarian Theiss, all pour their waters into the Danube. In a word, the whole drainage of the southern and central Austrian states, of Hungary and Transylvania, as well as of Bosnia, Servia, Bulgaria, and Wallachia, is towards the east, and flows (chiefly through the Danube) into the Euxine. The drainage of the northern German provinces, except that which descends to the Danube or passes by the Dneister

* At the only navigable mouth of the Danube, and for some distance upwards, both the banks are absolutely Russian. Her influence is paramount in Moldavia and Wallachia, and nearly so in Servia. If it cannot be said that this is quite the case yet in Bulgaria, there seems, at all events, every prospect that it will be so ere long.

equally into the Euxine, runs towards the north; and it is only on the supposition of a friendly state of relations with Russia, Prussia, and the German states, that Austria may communicate with the Baltic by the Vistula and the Oder, and with the Northern Ocean by the Elbe. The Moldau, the principal river of Bohemia, after traversing Prague, falls at Melnik into the Elbe, which soon after quits the Austrian territory.

Viewing therefore the basin of the Danube as the great centre of internal resources, and the coast of the Adriatic as affording their only sure access to the sea; and desirous at the same time to utilize, as far as may be possible, the means of communication, such as they are, which are afforded them through other states, to the ocean; — the government has been anxious to encourage the formation of railroads. Numerous surveys have been taken over those grand mountain regions, both to the north and to the south; but it has been found very difficult to find capital applicable to objects so expensive; and very few bodies of private individuals have yet been found to respond to the call of the minister. In a country exhibiting such peculiar difficulties of surface, it is indeed a matter of great doubt, perhaps of great improbability, that the vast expense of long lines of railroad, first in their formation, and next in their practical details of service, would ever be compensated by adequate benefit either to the proprietor or the public. It is exceedingly unlikely that most of those which

have been projected in the Austrian territories will ever be attempted, or, if attempted, that they will ever be completed; and hence any special notice regarding them may appear at first sight superfluous. I am inclined however to devote a few pages to the general subject of these works as they are projected by the government, partly as matters on which a good deal of local interest is felt, and partly as exhibiting the geographical character of the country itself.

The first line of road completed was from the Danube, opposite Linz, to Budweis on the Bohemian Moldau; thus effecting a communication between the Danube and the Elbe, into which the Moldau flows, and which communication it is intended to render more perfect by carrying the railroad northward from Budweis to Prague, where the Moldau may properly be said to commence being navigable. Another line in active progress will descend southward from the Danube at Linz by the lakes of Traun and Hallstadt to Aussee, and thence reaching the Valley of the Mur, pass on by Leoben and Bruck to Grätz. Of this important work the portion from Linz to Gmunden on the Traun, is already open. By it will be brought to the Danube the mineral and agricultural products of Styria and Upper Austria, as well as the salt of Ischel and Hallein; and, should the line be extended to the south of Grätz, its advantages may be even of still greater importance. A third line is proposed, but not yet I believe undertaken, stretching from

Vienna towards the north-west, which will traverse Moravia and Bohemia, passing by Krems and Tabor to Prague. A fourth is already open from Vienna to Brunn in Moravia, a distance of nearly ninety English miles. From this a branch may perhaps be extended westward towards Prague and the Elbe; but the primary intention is to continue it on from Brunn, in a north-easterly direction, to Bochnia in Gallicia, thus forming a communication between the Vistula and the Danube, and between the Polish provinces and the capital. Much importance, both political and commercial, is attached to the completion of this work; and it is conceived that the annual expenses would be more than defrayed by the transport of horned cattle alone, of which seventy thousand are driven on an average from Gallicia to Vienna, where they now arrive lean and worn after a month's journey. A fifth line is undertaken and in progress from Vienna to Raab, the most important corn-market of Hungary; and by means of which, the importation into Austria of grain, cattle, wine, and other products, both of that kingdom and of Servia, will be greatly facilitated. It is intended that these lines should all have various ramifications; and pouring, as they would, if complete, the products of all the provinces into the Danube,—that great centre of Austrian inland trade,—it is considered that they would be vastly serviceable to the interior commerce of the empire; the more especially, connected as that river will shortly be with the Rhine, by the

works now in progress in the Bavarian states, and navigated as it already is into the Black Sea, by regular lines of steam-vessels, which go on to Constantinople and Smyrna.

The greatest object for foreign trade, however, must ever be a communication between the Danube and the Adriatic; and hence the especial solicitude of the government has been directed to the formation of a good railroad to, or towards Trieste. More than one line has been projected, and surveys made, and plans furnished: but the difficulties have been, on close inspection, found so great, that nothing hitherto has been decided. The four great southern valleys, that of the Danube with Vienna, the Mur with Grätz, the Drave with Klagenfurt and Marburg, and the Save with Laybach, are respectively divided from each other by ridges of nearly parallel mountains, which, striking off from the Noric or Julian Alps, take the general direction of west to east, until, having penetrated more or less into Hungary, they there dwindle gradually away into low hillocks or table land. No engineers probably excel those of Austria in the science of their surveys, or the execution of their public works; and it is hoped that by taking advantage of lateral valleys, and of existing excavations and disruptions of the rocks, these various ranges of hill may be traversed with no insurmountable quantity of tunnelling and levelling; so as to gain the southernmost of the great valleys, those of the Drave and Save. Once arrived at these, from the one or other

of them* the railroad would be conducted farther south, over comparatively level land. It would be probably impracticable to make it actually reach Trieste, on account of the formidable limestone barrier with which that port is enclosed; but a vast object would at all events be gained, if it were brought even to the northern foot of that barrier; or, which appears less difficult, if it should be conducted to the flourishing city of Görz, and thence through the dead level extending from it to the shores of the Adriatic, to Monfalcone, not far distant from the ancient Aquileia. The distance from Trieste to Monfalcone does not exceed eighteen English miles, and the trade of Carinthia is at present carried on by boats passing between the two ports. Monfalcone is situate in a well-sheltered bight or inlet of the coast; and, if it be not so already, might be easily improved into a good harbour for the small craft in which the merchandize from Trieste would be conveyed; and the merchants of Trieste who are now looking with so much anxiety for an improved communication with Vienna, would probably find in such a route their object answered. Görz is already a place of some commercial importance, and would in such case become considerably more so; connected as it would be, not only with the Danube and the

* Although the valley of the Save is the southernmost, yet that of the Drave, running up more deeply, and throwing out more lateral vales, it may probably be found easier to carry a level to the Adriatic from the latter than the former.

sea, but also by two lateral lines of road, the one communicating over the great alluvial level with the line of intended rail from Venice to Milan, and the other passing eastward through the valley of the Save, by Laybach into Hungary.

The natural, the obvious, the comparatively easy, mode of reaching the southern valleys from Vienna, would be by traversing the Hungarian territory so as to pass beyond or around the extremities of the different ranges of hill, by a line proceeding generally in a southern direction, from whence branches might be carried up each or all of those vallies: but a singular obstacle here occurs in the national policy of the Hungarian diet. That body entertains a strong jealousy of Trieste as the great and flourishing depôt of Austrian commerce, and would endeavour, by what appears a short-sighted and erroneous legislation, to confine, as far as possible, the trade of Hungary to its own ports of Fiume, Buccari, and Porto Re. It forgets that foreign trade will flow to those ports, which are already established as large and general markets; where facilities exist for rapid and extensive operations; and whence, by communications with the interior, even though not in themselves good, commodities are conveyed with regularity and dispatch. Hence it is, that having just before their last separation passed a law to authorize the formation, by chartered companies under the superintendence of a National Committee, of various canals and railroads in Hungary, the diet have strictly defined the va-

rious lines to be taken, in such manner that several may reach Fiume and the Hungarian coast, but none extend towards Trieste or the Austrian border of the Adriatic.* Having obtained from the equity of the crown an absolute equality of freedom for their own ports, with that enjoyed by Trieste, they would flatter themselves that three or four lines of railroad abutting thereat, (if indeed practicable, which I do not conceive they will be, since all these ports are flanked by lofty barriers of mountain) united to a prohibitory system as far as they can so render it, in regard to Trieste, will suffice to bring to Fiume a great portion of the trade of the latter port. They have not yet sufficiently reflected, that something more is wanting to the prosperity of commerce, than franchises and roads—that it can never be found in a country where feudal manners render trade an ignoble and degrading pursuit—where feudal laws make it impossible to enforce a commercial contract—where, finally, the necessities of the small but aristo-

* A powerful party in the Diet (and I believe that that most enlightened and patriotic statesman, Count Szechenyi, was one of them) urged the expediency of permitting roads and canals to be made, under the supervision and permission of the Palatine and a committee, in *any* and *every* direction, which companies might incline to undertake. This amendment was not carried. Still, in tracing the authorised lines, it may be hoped that, should they ever be carried into effect, one or two of them may be rendered useful in connecting Vienna with the southern Austrian provinces, and Hungary with both. It is obvious that Hungary would gain immensely by such connexion.

cratic proprietor reduce him on the one hand to become the petty dealer and chapman of the produce of his farm, while on the other his privileged licence prevents all, save Jews and pedlars, from venturing to deal with him.

The *Steam Navigation of the Danube* is now nearly complete. The company established at Vienna has four relays of steam-boats: the first, conveying passengers and goods from Presburg to Pesth, a distance of about a hundred and twenty English miles: the second from Pesth to Moldova, where the river is obstructed with rocky rapids which extend for nearly eighty English miles as far as Cladova. This part of the journey is still performed by land; and on re-embarkation below the rapids at Cladova, a third relay proceeds for about four hundred and fifty English miles to Galacz, where the fourth commences, and which, descending to the mouth of the Danube, about ninety English miles below Galacz, crosses thence the Black Sea to Constantinople. From that place there are steamers in various directions, Trebisonde, Odessa, Egypt, &c. under various flags; and some belonging to the Austrian Danube company, which ply to Smyrna, from which port there is, or at least was, a regular steam communication twice a week to Athens. From Vienna to Presburg, the extreme shallowness of the river and its moving sands had hitherto, when we were in Hungary, prevented the establishment of steamers:

but the company were then building iron vessels, on the principle occasionally adopted in America, to carry the machinery on deck, and not to draw more than eighteen inches water, which, it was hoped, would complete this part of the line; and thus afford the means of reaching Constantinople from Vienna by steam in ten days, without any interruption save the land journey from Moldova to Cladova. Having ascended the river from the Black Sea, for the last eight hundred miles of its course, and having seen it in most of its principal points higher up, I have had the opportunity of observing the principal features of this very interesting navigation: but my own impression is, that by political rather than by commercial results must its chief importance be estimated. The nature of the river will probably ever prevent its being a medium of enlarged commercial communication. Although hurrying rapidly along in some few parts where its course is impeded or contracted by rock, as for instance round the points of Presburg, Gran, and Buda, and more especially between Moldava and Cladova, its general character is that of a broad sluggish shallow muddy stream. It is beset in all its course below Vienna by multitudes of moving sands, and among these it drags its slow length along between banks so little elevated, that a rise of a very few feet suffices to create a mighty morass for hundreds of miles around. The sands, shifting in various directions, accumulate in diverse parts, thus rendering the navigation at all times dubious and

difficult; and even the steamers, which draw but four and a half feet of water, are never safe from these obstructions. The one in which we ascended from Galacz stuck fast on one of these banks, although we had a local (Servian) pilot on board; and it was only by raising the steam to its greatest pressure, of course with some little risk to the boiler, that we got at length relieved. In the preceding year, one had remained on a bank near Belgrade for four days, until liberated at last by the aid of another steamer which came down from Pesth. Fortunately the impediments being merely sand, delay is in most cases the only evil of resting on them. Such a river must of necessity be unnavigable for larger craft than mere barges; but besides, the countries on its banks below Hungary are, in their present state, of very little importance either as to consumption or supply. Probably, by means of the steamers, some of those droves of Servian cattle and swine which cross the river near Belgrade, and thence are driven by land to Vienna, may be spared a part of their long and weary journey by being towed up in rafts: some of the wool and tobacco of Lower Hungary may in the same way be conveyed up to Pesth or Raab; and, if corn-mills are established on the river opposite to those cities, the flour there ground may probably be sometimes carried down to the mouth of the river, there to be embarked for Constantinople.* These par-

* The establishment of corn-mills on the Danube, near Pesth, is among the patriotic plans of Count Szechenyi, for the improve-

tial benefits may accrue; but, taken on a broad scale, a long period must elapse before, if ever, the steam on the Danube can impart to Austria or Hungary any important *commercial* advantage. Its *political* results, however, will be of the highest value. Through its channel the tide of civilisation will be gradually poured on the distant regions of Wallachia, Servia, and Bulgaria. It will introduce Hungary into the bosom of Europe. It will bring her hitherto secluded population into social intercourse with travellers from distant lands. It will be the means of dispelling the clouds of prejudice, ignorance, and error; and, auspicious alike to the vassal and his lord, it will improve the condition of man in every stage of society.

ment of his country. The Turks have very defective facilities of grinding corn; and if flour can be so ground and exported, as to compete in the market of Constantinople with that of Odessa, it may become a considerable national object. Great improvements, however, must first take place, both in Hungarian agriculture, and in the communications from the interior to the river.

CHAPTER XV.

INTERNAL POLICY.—Austria considered with reference to her *Internal* Condition—Progress of the Crown in establishing the Monarchical Principle—Its Policy in sustaining that Principle, and rendering it Popular—Opposite Conduct of Austria and France, in the reduction of Feudality—Points of *Difficulty* with which the Government has to contend—Necessity of Vigilance in the correction of Abuses while the Press is controlled—Point of *Weakness* in the Body of the Empire—Diversities of Nationality—Bohemia, Moravia, and Gallicia—Their Political Condition—Hungary: its Constitution and Social State—The Lombardo-Venetian Kingdom—The Character of its Government—Its Condition and Prospects.

IN the preceding chapters an attempt has been made to exhibit the genius of the Austrian government and institutions, together with its effect on the character and well-being of the people in those parts of the empire—the German provinces—where alone that genius can be fully traced. A few remarks, by way of a summary, may now be made on the general subject.

History exhibits the crown engaged for centuries in a steady but generally peaceful conflict with that feudal nobility, which at some period or other has formed a co-ordinate, and frequently a paramount

power, in every one of its provinces. It has enlisted in its service the circumstances of foreign war, and of popular discontent. It has gained powerful chieftains to its views by the temptation of honours and commands; or it has so encumbered their feudal dignities with expensive though honourable charge, as frequently to compel their voluntary surrender. In proportion as it has gained the ascendency, so has aristocratical power declined, and the monarchical principle been established on its ruins; but this ascendency could neither be acquired, nor can it be sustained, by the force of the crown alone. It could not be effected by mere military means (had the sovereign even been inclined to resort to them), in a country where the army must be officered by the scions of the privileged nobles, and the ranks recruited from among their vassals. Other forces were required. The towns, the small proprietors, the middling classes, were necessarily raised up as the allies of the crown; and that absolute authority which it established by their means, could only be afterwards supported on the willing obedience of the general population.

Hence we see the assiduous care with which the crown, once become predominant, labours to mould the public mind, by the union of education, affections, and interests, into one common form of ready filial subjection to absolute but paternal sway. We see how successfully it has imprinted on the people those sentiments of attachment, which have been proof

against all the disturbances of revolutionary Europe, and which have caused those of its German possessions, which were temporarily severed by the events of war, to hail with joy their restoration to the Austrian sceptre. The tranquil confiding frame of mind thus created, it is the policy of the government by every means to perpetuate. It despotically crushes every species of political or religious controversy. It rigidly supervises the organs and instruments of education. It discourages on the one hand the *general* diffusion of foreign literature or foreign products; while, on the other, the great principle of preventing all dissatisfaction induces it to allow, for private use, whatsoever of either be desired for mental or corporeal enjoyment. It jealously refuses to the aristocracy (whensoever it can safely do so) that permission to acquire new ideas by travel in foreign lands, which it grants freely to the commercial classes; and, in ecclesiastical matters, while it allows universal toleration, it maintains a control alike absolute and undivided, over the Roman Catholic hierarchy, the Protestant synod, and the Hebrew synagogue. Its police, rigid in all matters of political suspicion, presses, where it *does* press, chiefly on the smaller nobles, on foreign idlers, and on such of the Italian and Hungarian subjects as may, without apparent motive of business, migrate to the German provinces; by the generality of the people, it is unseen and unfelt, save as the instrument of that public order to which they are them-

selves so much attached. The criminal code is mild; its procedure slow; and the general character of its operation rather corrective than penal. Education is extended to every class; but such education only as may be subservient to the practical purposes of life; and so regulated is the religious portion of that education, as to excite the better feelings, but not to stimulate the reason. The government labours with a father's care, to provide for the worldly prosperity and comfort of its children; while, with somewhat of a father's jealous solicitude, it ever interferes to supervise their conduct and regulate their concerns. The children may in some few cases utter a transient complaint, that so much of parental anxiety is superfluous and troublesome; while in others, far more numerous, they may long on the contrary to flee to its protection, from the harshness of feudal superiority. On the whole, an easy confiding spirit is the general characteristic of the rulers and the ruled; and it may be not untruly said of the inhabitants of the German provinces of Austria, wherever the crown is dominant, that, allowing for local and natural evils such as no government can counteract, they are, beyond all the nations of Europe, an orderly, contented, and enjoying people.

Let us here pause for an instant, to contrast the conduct of two great rival nations in the reduction of feudality. In France, as in Austria, the crown was

for a long period struggling for the ascendency over its powerful vassals; and the chief ultimate instrument of its success was the centralisation and luxury and corruption of the metropolis. The court was surrounded with splendour and enjoyment; and the nobles, once attracted thither, lost for ever their personal independence. But the great error of the court consisted, in still flattering and pampering those whom it had effectively subdued. Privilege continued where power had ceased. Nobility remained exempt from taxation. *It* was still the qualification, without which no office might be held in the army or the state: and an impassable line was drawn between the noble and the plebeian classes, by the barbarous maxim of law that commerce degraded nobility, and consequently annulled its prerogatives. The people thus gained nothing by what the nobles lost. They remained the sole payers of direct taxation,—they were excluded from honours, and insulted by privilege,—and no surprise can exist, that when necessity at length called in the Tiers Etat to aid in alleviating the distresses of the state, the people burst forth in wild and bloody revolution. How different has been the conduct of Austria. As she has subdued the nobles, she has imposed on them an absolute equality of taxation with that borne by their inferiors; she has opened to all alike her civil, her military, and her ecclesiastical establishments; and as she has prevailed over the feudal administrations and juris-

dictions, she has made the people feel the superior equity and protection of those, which she has substituted in their stead. In the Imperial tribunals she renders equal law to all. Where the feudal courts still exist, her forcible interference in the person of the crown fiscals, renders them formally null, or substantially just; and leads the manorial "subjects" to look habitually to the crown, as their ultimate and best protector. While depriving the nobles of feudal power, she does not allure them to dissipate their revenues in the metropolis, by the attractions of a brilliant court; for hers is of the simplest character: but, on the contrary, she seeks to render them useful resident landlords, by vesting the greater part of the local administrations in those provincial councils, whereof they are probably the members. Commerce and manufactures she holds up as honourable pursuits, since she grants patents of nobility to those who are most largely engaged in them; and among the more recently created barons are many of the principal merchants and bankers of Vienna. The result of all this the world has seen. More than once has the empire been invaded, and its capital captured, by the armies of revolution; a third of its provinces for a time forcibly detached; its government repeatedly and desperately bankrupt; its population crushed with public and private misery; its nobles powerless to enforce any feudal privilege: yet no revolution has occurred in Austria. Her institutions have remained entire,—for peasants, citi-

zens, and nobles rallied alike around that throne, which, but for this universal attachment, had not a rush to support it.

Yet Austria has her points of *difficulty*. It is with her a primary necessity of the monarchy, to perpetuate that voluntary public attachment on which its strength reposes; and this is not in all respects and under all circumstances an easy task. If we look to the state of the finances we find it indeed so far sound, as that the debt is not considerable, the currency unimpeachable, the sources of the national wealth in progress of extensive development, and the produce of the existing taxes in course of gradual augmentation. Still, while the expenditure exceeds the income (and that such is yet the case is evinced by the contract for a further loan which has been made even in the present year) there must be apprehension of increased taxation—a proceeding always of some hazard to popularity, especially in a country where no publicity is rendered of the national accounts. Although the aggregate of taxation is very small, yet the Verzehrung-steuer, and the monopoly of salt, are even now much complained of by the poorer classes; and any increase of imposts, although it would lead to no actual resistance, would, *pro tanto*, diminish the security of the government by reducing its popularity. Again: if we investigate the details of the fiscal and administrative departments, we shall find in them, it may be feared, considerable amount of mismanage-

ment, abuse, and corruption. The ministers, Metternich and Kollowrat are fully aware of their existence, and abundantly anxious for their removal; but all who have comprehended the structure of the civil service, as I have endeavoured to explain it in a former chapter, will perceive that, with an organization so peculiar, no large measure of official reform can be attempted without great embarrassment, and probably even danger to the state. Persons obstinately attached to an antique system, or profiting habitually by the products of long-established abuse, cannot be safely displaced from employments to which they have risen by the usual routine of the service. They cannot, with safety, be sent forth to disseminate dissatisfaction and distrust among the thousands and tens of thousands of families, where attachment to the government is blended with the expectation, almost as a matter of right, that their children shall inherit the provision it affords. It is in this respect that the cohesive principle itself, which blends the public with the government, is a collateral source of difficulty; since in many points it prevents the adoption of changes, whereby the public feeling would be jarred through the shock that would be felt in the public service; and hence it is only by slow and cautious degrees, that the Austrian ministry can effect those improvements which are essentially important to the welfare of the state. Finally, if we turn to the administration of correctional law, it may

be conceived that something of oppression may be occasionally the result of the discretional and irresponsible power, more or less vested either directly or through the instrumentality of the police, in feudal lords, provincial officers of government, heads of families, and even domestic superiors. Where public complaint through the press cannot be made, and where public discussion in matters of church or state is prohibited, a sense of some individual injustice may at any time form the nucleus of extended discontent, which may burn with a smouldering fire, unmarked by the government, until it burst forth at length in open conflagration. I have no reason to suspect, that anything of this kind now exists in the German provinces of Austria. I believe that the protecting vigilance of the administration on the one hand, and the general gentleness of the national character on the other, would mainly prevent, except sometimes in cases of subordinate officers, and these principally on feudal estates, any real oppression from the powers I have cited. I would hope, too, that official malversation and corruption are not so general as has been sometimes imagined. I mention these rather as evils and dangers to which all absolute governments must be more or less exposed. In the present condition of the Austrian people in the German provinces, orderly and happy, gently and paternally governed, and thriving in worldly prosperity, I am of opinion that a free press would be to them a

most disastrous boon: but, in proportion as the safety-valve of the state machine is kept compressed, so must the engineers be vigilant and active: they must look to the mechanism in all its details, and correct whatsoever they find amiss. By a wise and steady regulation of the popular sentiment, they must allow to it such elastic force as is requisite to the due working of the engine, while they anxiously anticipate and prevent every discontent which might impart to it an excess of expansion or a turbulence of impulse, that would find no exit but in a general disruption.

Austria has also her points of *weakness*, although not to the extent which has been occasionally supposed. It is no unfrequent observation, that the various members of the empire hang loosely together; and that, differing as they do in language, in habits, and somewhat in interests, a slight shock would suffice to produce a great convulsion. In such observations, as in most of those made on the subject of Austria, there appears to be a mixture of some truth with much error; and as the subject is one of much interest, let us briefly consider the political condition of the different principal members whereof the empire is composed.

Before speaking of Hungary and Italy, which are usually held to be the most vulnerable points, we may ascribe whatever there may be of insecurity in the *German* provinces, to the partial continuance of the feudal institutions, and to the remnants of distinct

nationality. In Bohemia, Moravia, Silesia, and Gallicia, containing together a population of nearly eleven millions of persons, these still more or less prevail; and so cautious, although systematic, are the invasions of the crown, that much time must yet elapse before they are abolished. Popular discontents may in the interim arise; vassals may be excited against their lords; and the crown may not be so successful in appeasing such disorders, and even in turning them to the welfare of the country, as was the case with the great insurrectionary movements of 1773. Neither must the crown itself indulge, without extreme circumspection, its propensities towards general consolidation. In Bohemia, the resident gentry and middling classes still cling with fondness to the language and the monuments of those periods, when Prague was the capital of a powerful sovereign. Their national feelings cannot be invaded with impunity; and, as elsewhere mentioned, when they were not long since arrayed against the cabinet of Vienna, which wished to extinguish the Bohemian tongue, they gained so complete a moral victory, as to induce the crown not only to abandon the intention, but to consent to the establishment of academies and institutions for the encouragement of Bohemian literature. Little however is to be apprehended in regard to Bohemia. The crown has had the sagacity to concede, in points of national feeling, where concession was requisite to popular satisfaction: its remedial invasions on feudality have been eminently successful; and, from the

very magnitude of the landed estates, and the residence of their lords upon them in princely splendour for a certain portion of the year, a state of things is produced more favourable to the "subject," than where feudal power is divided among smaller or needier proprietors. No country in Europe has probably evinced a more decided improvement in the condition of the people during the last twenty years, than that great province. Moravia also is advancing gradually and steadily in prosperity and wealth: but in Gallicia remains much of popular distress, and much of a sterner feudal domination. Gallicia, the last of the Austrian acquisitions, is essentially Polish; and is still oppressed with much of the iron despotism of Polish feudality. In it, more than in any other part of the empire, except Hungary, the nobles are everything and the people nothing. During the military movements by which a large body of the Polish chieftains sought to re-establish their ancient kingdom, their brethren in Gallicia were solely restrained from joining them by the strong arm of power. They made immense pecuniary sacrifices, in aid of what they considered a national cause; they encumbered themselves and their properties to the uttermost; and thus, reduced to poverty themselves, they have rendered more miserable the state of their wretched dependants. Two evils may therefore threaten public tranquillity in Gallicia; neither of which, however, are very probable. The peasants may be driven by misery to rise against their lords; or those lords themselves may

join in attempts for Polish independence. It is to be especially noticed, that by no other political cause would they in all probability be seduced from tranquillity. They view France with aversion, and Russia with detestation; and are no otherwise dissatisfied with the Austrian rule, than as they retain those old recollections of national independence, which may be expected gradually to decrease in force provided the Polish provinces remain under their present domination.

Turning next to *Hungary*, we find an exceedingly peculiar political régime. The entire surface of the soil is possessed by the nobles, for no one not noble may hold land in Hungary. These nobles, assembled in county meeting, nominate to all offices in the county, judicial, fiscal, and administrative, without any interference of the crown. They are themselves exempt from taxation, and by their own officers they levy the direct revenue from the class of peasants, and pay it over to the government. The diet, by which all direct imposts are decreed, is composed of the sovereign and of two chambers. The higher of these consists of titled and official magnates; the lower, of deputies from the nobles of the counties, and from the chartered communities termed Royal Free Cities: but in this lower house, the deputies of the nobles alone may *vote*; those of the cities being only permitted to attend and to speak. The class of peasants, who compose the vast bulk of the community,

have no political rights, and are held under rigorously feudal subjection.* The crown has its viceregal establishment at Buda, and its Hungarian chancellor at Vienna; and it appoints judges in the supreme courts, and some few civil officers: but it can nominate, for any of these employs, only Hungarian subjects. The chartered cities have close corporations, and have their own municipal administrations similar to those of the German cities already described.† Such was the ancient constitution of Hungary, and such it remains to this day. A glance at its composition will show how exceedingly difficult must be the working of its administration by the cabinet of Vienna. The maxims of government in the two countries are utterly at variance. The monarchical principle is dominant in Austria—the aristocratical is absolute in Hungary. Under such circumstances, it is hardly to be supposed that either party should render justice to the views and intentions and feelings of the other. The government of

* Some persons maintain that the feudal system does not properly exist in Hungary, as the theoretical lordship of the soil is only in the sovereign conditionally; and as, on its reverting to him, for want of heirs, he is by the constitution bound to re-grant it forthwith to some other noble. The question is not worth discussion in this place, as it has no practical bearing. I use the term *feudal* as applied to Hungary, since the constitutional scheme of society,—the relation between the sovereign and the noble, and between the noble and the peasant,—is, except as slightly modified by time, precisely analogous to that which prevailed, under what is commonly termed the feudal system, in the generality of European countries.

† Vol. i. chap. iii.

Vienna, anxious for the happiness of all the subjects of the crown,—but guided in its notion of happiness by the principles of its own paternal rule,—seeks to extend to Hungary those institutions of civil and criminal law, public education and general government, which have been so productive, in the German provinces, of contentment, prosperity, and order: and it perceives nothing but the spirit of factious and turbulent obstinacy, in those who, on constitutional principles, oppose its views. The ruling party in Hungary, dreading above every evil the reduction of their constitutional rights, view with an unwearying suspicion every movement of the Austrian cabinet; and they too often reject or defeat propositions of internal alteration, which would be avowedly beneficial to the country, because, being made by the crown, they dread that, under the outward garb of public good, some insidious design is concealed, to inveigle them within the sphere of the general absolutism. The mass of people partake the sentiments of their superiors. The tranquil and enjoying Austrian, attached to the institutions that surround him, regards the Magyar* as little better than a rude and lawless barbarian; and the Magyar returns the compliment, by contemning the Austrian as a being unworthy of civil rights, and the willing instrument of absolute power.

The crown has for the last three centuries made repeated, indeed almost continual attempts to gain ground upon the nobles; but the nobles, dreading

* The proper designation of the Hungarians.

the consequences of the slightest concession, have maintained their position to the uttermost. Paying no direct taxation themselves, they allow not a florin more of revenue to be extracted from the peasants, than that conceded in the reign of Maria Theresa; they permit no alteration of force in their military contingent, either in war or in peace; and they suffer their lands to remain half desolate, and their vassals half barbarous, lest any alteration in their social fabric may open a crevice for that royal interference, which it is their main object to exclude. The crown, on the other hand, has for three centuries laboured by every means to amend or to subvert this antique constitution. Sometimes it has employed force, and sometimes persuasion; but ever alike without success; and for the last few years it would seem to have given up what it has experienced to be a hopeless struggle. It seeks now some compensation for the want of Hungarian revenue, by imposing duties of export and import on goods passing between Hungary and Austria; and it exerts what influence it can in the municipalities and the Upper House of Diet, as some very slight attempt at counterpoise to the predominance of the Lower Chamber.

From a merely superficial view of this state of things, an opinion has been sometimes loosely hazarded, that Hungary would not much longer remain in voluntary submission to the Austrian sceptre. My own persuasion, formed on a careful investigation of the subject, and a personal intimacy with men of every order in the country, is very dif-

ferent. The nobles, the only "*liberi homines*," will indeed talk loudly, both in the diet and out of it, against Austrian ministers and Austrian absolutism; and will refer to acts of unconstitutionality in former years, which, however possibly capable of some palliation, cannot be substantially denied. If the crown should ever again be tempted to infringe their constitutional rights, they will oppose a decided but passive resistance—a resistance however rendered so effectual by the peculiar mechanism of their institutions, that it will, as it has ever done before, compel the crown to retrace its unlawful steps. This they will do; but they will not rise in rebellion, or attempt to throw off their allegiance. A feudal* and privileged aristocracy is little likely to cherish the Western doctrines of liberalism and democracy; and that of Hungary is too sagacious to think of seeking for themselves a distinct independence. Of the numerous, body termed Hungarian nobles, this is not the place to enter into a description; but among those who may be designated as their *chiefs*, are men as enlightened in their judgment as they are lofty in their sentiments. Who shall censure such men, deriving their blood and their lands through periods when Hungary was among the most powerful and brilliant states of Europe, for boldly asserting those

* I confine these and the following observations to the *chiefs* among the liberal nobles, who have now the ascendancy over the swarm of inferior nobles. The tranquillity of Hungary considerably depends on their retention of that ascendancy, and in their prudence in the exercise of it.

rights which they have derived from so long a train of glorious ancestors? However unsuited be their antique constitution to the present condition of Europe, however calculated even to retard the civilisation and physical prosperity of the kingdom, still who shall blame their resistance to past invasions, which have aimed at destroying that distinct nationality which has been theirs for a thousand years,—at fusing Hungary, like Bohemia, into the mass of Austrian provinces,—and at laying its ancient nobility prostrate at the foot of the crown? Still these high-minded men know the perils of their position. They are aware of the hostile feeling with which they are viewed by the towns, and of the ill-concealed hatred borne to them by a semi-barbarous peasantry. Whatsoever be the attitude they assume towards the crown, they are certain that *its* interests and policy will secure them from the wild havoc of popular insurrection; but were the connexion with Austria dissolved,—were Hungary in her present state left to the unaided care of her nobles,—short would be the period ere both their castles and their persons would be swept away by the horrors of a ferocious servile revolution.

Different is the state of the *Italian* provinces. In them no feudal distinctions exist; no jealousies are excited by superiority of privilege. The population is united—which is neither the case in Hungary nor the German provinces—by a community of lan-

guage, habits, and feelings; and, perhaps it may be added, in an instinctive dislike, not specifically to Austrian, but to German domination. As regards the mass of that population however, this dislike will produce no action, so long as they feel their condition prosperous, and the administration of the government not oppressive. In Italy, as in the German provinces, it appears to be the principal object of the government to conciliate the middling and lower classes, while it seeks to depress, where it cannot gain over, the larger proprietors; who, although endowed with no legal pre-eminence, still wield the usual influence of property, and are naturally hostile to Transalpine rule. It has been the policy of Austria to introduce, as far as in her lay, a uniformity, not of institutions only, but of language also, in the several portions of her dominions; but her success in doing so has been far from perfect. The feelings of a people are generally more interwoven with the familiar sounds and the small every-day habits which they have derived from their parents, than with those great political maxims on which their government may be based. It was the decree of Joseph II., ordaining that the German language alone should be taught and used in Hungary, that roused the spirit of national resistance; and this has gone on increasing in force, until at length, subverting alike both the German and the Latin, it has compelled the crown to ratify a law, whereby the still meagre and unformed Asiatic dialect, termed

the Magyar or proper Hungarian, is made the language of the schools, the diet, and the courts. In Italy also, the government is now engaged in a somewhat similar attempt. It is striving to introduce the German language into the primary schools, evidently aiming at its establishment as the official, and even, if possible, the vernacular tongue: but slow and cautious must be its proceedings in this respect, or they will be subversive of its own designs, and cause a re-action fearful as that of Hungary.

In matters of public administration in Italy, the crown seeks to frame its course on the Austrian principle; ever to interfere and to regulate, while it wishes to be substantially indulgent: but the Italian mind is not moulded, like the Austrian mind, into filial submission; and hence the paternal principle is exhibited here with less of its indulgence, and more of its authority. In point of fiscal and of military pressure, however, it is felt to be very far more lenient than was the domination of the French; and all that may tend to the advancement of agriculture, commerce, or general well-being, is sedulously promoted. Let a man traverse those lovely regions, and he will find them cultivated and blooming like a garden. He will see a soil absolutely oppressed with the abundance of its produce,—excellent roads,—handsome towns,—an apparently well-fed, well-clothed people, and every indication of public and individual prosperity. The expenditure of the go-

vernment in public works is larger in the Italian states than in any of the other provinces. The system of representation is somewhat more real than in any other part of the empire, save as regards the nobles of Hungary; and, upon the whole, I believe the inhabitants of the smaller towns and the villages, and the rural cultivators generally, to be well enough satisfied with the existing rule. It may be different in the larger cities, and especially in Milan, although in them also the discontents are said to be diminishing; and the recent amnesty for political offenders will add much to the popularity of the sovereign: but, until recently at least, it cannot be denied that the police in these cities has been extremely rigid, and in many points vexatiously oppressive. It has become so, from the alleged necessity of watching and repressing that system of base and profligate intrigue, which is even now at work from the side of France; and of putting down those numerous and powerful malcontents who would at an earlier period have favoured an alliance with that country, and who are still perhaps not altogether devoid of hope, that a general union may be effected of all Italy into one independent state. The police is armed with equal power in the German as in the Italian provinces; but in the former its movements are indulgent and unsuspecting, for it acts on an attached and contented population. In Italy, in the great towns at any rate, the consciousness or suspicion of hostility has rendered it severe, and this severity may probably have

tended much to perpetuate those animosities of feeling, which it was designed to control and suppress. There is little doubt however, that its vigilance and energy in the cities, united with the general content which prevails out of them, and the powerful military means always arrayed along the frontier towards France, will suffice to secure the internal peace, so long, at least, as there is no important pressure from without, and while the government does not indulge its besetting sin of Germanization.

The malcontents, or at least those who have been malcontents, are of two classes. The *one* of these consists of mere democratic revolutionists, seeking their own immediate advantage in the general confusion,—persons mainly devoid of public or private morality, and bankrupts alike in property and reputation. Of the *other* class, I would speak in very different terms, and with feelings of sincere respect. Many of them I have known, and greatly esteemed; some as exiles in foreign lands,—men of large property, high acquirements, amiable and honourable in their views and conduct, and only too enthusiastic for the age and circumstances in which they lived. There are few right-minded persons who will refuse their sympathy with the feelings of these patriotic but misguided men: few who grieve not to reflect that the idea of an Italian kingdom, which should comprise the several states of that

——— Garden of the world, the home
Of all art yields and nature can decree,

is a creation of the fancy only. This is a subject on which the practical statesman and the real friend of Italy must submit his private wish to the lessons of observation and experience. Italy has no common centre of population, interests, or feelings—no element of political combination—and, what is perhaps still more important, no adequate fund of public or private morality to sustain her independence, even if she could for a moment acquire it. Incongruous and ill-assorted as may appear the union between Lombardy and Austria, that between Lombardy and Naples would be scarcely less so. During the lapse of a thousand years, Italy has been the arena of sanguinary conflict or of perfidious intrigue, between two mighty foreign powers, to one or other of which the paramount influence over her smaller states, and the actual possession of a portion of her northern provinces, have usually belonged. In the existing state of the world, subjection to Transalpine influence or rule must be still her fate: and, if so, there can be little doubt that the practical politician as well as the genuine philanthropist—all, indeed, who look to the repose of Europe, or to the real interests and prosperity of the Italian people, will concur in the endeavour to insure the paramount preferential control over Italy, to Austria rather than to France.

CHAPTER XVI.

FOREIGN POLICY.—Austria considered with reference to her *Foreign* Relations; she aims essentially at Peace—Austrian Policy towards *Italy*—Conflicts with France for Ascendancy in the smaller States—Military Occupation of Countries threatened with Popular Revolution—Austrian Policy towards *Germany*—Formation and present State of the Germanic Confederation—Difficulties experienced by the Congress of Vienna—Its Views for a different Organization of Germany—The Preservation of the Kingdom of Saxony by its sudden Dissolution—Rivalship of Prussia and Austria—Prussian Custom-House Confederation — Austrian Policy towards *Russia and Turkey*—History of the establishment of Russian Ascendancy in the Northern Provinces of Turkey, and at the Mouth of the Danube—Political Condition of Moldavia, Wallachia, Bulgaria, and Servia—Anxiety of Austria—Her endeavours to oppose Russia by her Diplomacy at Constantinople and Athens—The Conduct of England, and Apprehension and Fear of Austria as to the Maritime Powers—Reflections on the Dangers with which England is threatened by a further advance of Russia towards the Mediterranean—And on the Policy by which those Dangers may be averted.

THE foreign policy of Austria aims essentially at peace. The consolidation of her financial system, the development of her national resources, the improvement of her institutions, the expediency of reductions in her military expenditure,—all require the continuance of that European repose which it has

been her great object to preserve. Hence, notwithstanding her dread of the democratic principle, she has acquiesced in the various political changes which have occurred within the last few years in France, Spain, and Portugal; neither, were changes, similar in character, to be extended to other European countries, would she interfere to impede them by armed intervention, so long as the tranquillity of her own possessions were not immediately menaced; for the same practical spirit and singleness of view to her own national interests, which characterises her internal administration, extends likewise to her foreign relations. To trace the course of this uniform spirit in its actual operation, would be at all times a matter of curious research; but at the present moment, when the enlightened statesman cannot fail to perceive what mighty political results may in all probability depend on the line of conduct which Austria may adopt, it is a matter of no ordinary importance that her real position and feelings in regard to foreign nations should be fully understood and justly viewed. In the present humble attempt to elucidate a subject so extensive, and which, on some points, has been considerably misconceived, I shall endeavour to divide it into three branches; although these are in practice necessarily intermixed, and all combine, the one with the other, in forming the general scheme of her foreign diplomacy. I shall consider Austrian policy as it regards, first, *Italy and France;* on which a few brief notices will

suffice, for here its course is plain and simple: secondly, *Prussia and the German states;* which will require a somewhat more extended discussion: thirdly, *Russia, Turkey, and the East;* a portion of the subject far exceeding the other two in the importance of its general bearings; and for the due appreciation of which it will be necessary to take a view of the past and present political conduct not of Austria only, but also of Russia, including her actual position on the side of Turkey, and of the countries on the Black Sea. I shall offer in conclusion, a few observations on the connection of British interests with the future decisions and movements of these two great empires, as well as on the course of policy which she has hitherto pursued, and that which may seem most probably conducive to her future welfare.

The point to which Austria is most tremblingly alive, is the conservation of the Italian kingdom; for she knows that France is there her constant and restless rival. She has had abundant experience of that spirit of propagandism, and that love of turmoil, which are rife among the French people; and she has been made to feel how defective has been the government, either in point of inclination or of ability, to suppress these molesting propensities of its subjects. On the one side and the other, monarchical order or popular liberty are the pretexts, but power over rival domination is the object. Hence arises

the necessity of a large development of military means in the vicinity of the frontier towards France, which is nowhere else required; and hence the adoption of a system of jealous and anxious policy in regard to the affairs of all the Italian sovereignties, which is not observed towards those of Germany or the North. France, unable to make a direct impression upon Lombardy, has endeavoured to effect her object through the smaller states; and where courts could not be gained, she has sought to influence the people. Austria has perceived the importance of meeting this policy in every shape. She would probably feel comparative indifference as to any changes of institutions, however republican, that should take place at Naples or at Turin, could the effects of those changes be confined within the limits of their respective dominions; or even could they, when made, be maintained by a really independent body of citizens: but she knows that in every such alteration, France would be the gainer, and that whatsoever of augmented influence or power France obtained, would be directed by means, open or concealed, against the stability of the Lombardo-Venetian kingdom. Hence, whenever called upon by their respective governments to suppress revolution, she has promptly taken military possession of Piedmont and of Naples; evacuating those countries, however, as soon as the necessity of her interference had passed away. On the same principle, in 1832, when the Pontifical States became the scene of insur-

rection, she beld an army on the frontier ready to obey the Papal summons. His Holiness announced to the different powers of Europe the existence of the troubles; the remedial measures on which he had decided, with a view of removing the asserted grounds of discontent; and the special mission of Cardinal Albani into Romagna, to carry those measures into effect. Among the official replies to these communications, that of the French ambassador at Rome expressed the high approval of his government, of the measures taken and intended by the Pope; and the strongest assurances of its anxious desire for the tranquillity and the independence of the Papal States. The insurrection however continuing to extend, and having even mastered the Roman troops, the principal inhabitants of Bologna and its territory applied to the Austrian commander (who had remained with his forces within the Lombardo-Venetian frontier) for some protection against the fury of triumphant Carbonarism. The Austrian commander replied, that he could only pass the frontier at the request of Cardinal Albani. The request was made; the Austrians advanced; occupied the four Legations; and suppressed the insurrection. After the great object of restored tranquillity had been thus attained, the French expedition, which had been despatched without any intimation of its destination being made to the Papal or to any other Court, appeared before Ancona, and forcibly seized possession of the city and its defences. The Court of Rome in vain re-

monstrated against this violation of public law, and of diplomatic assurances; and complained of its effect in exciting the discontented to a renewal of those troubles, which the Court of the Tuilleries had expressed its anxious wish to see suppressed. The occupation however continued. Austria did not choose to risk a general war on account of it, but she saw in it a further ground to distrust the intentions and the good faith of France. It aggravated the severity of her Italian policy, and her watchful interference in the concerns of all the Italian states. In each of them she felt herself engaged in a contest with France; and to counteract the action of French excitation on the lower classes, her position impelled her to throw the whole weight of her power on the side of the Courts. It is highly probable that the powerful and statesmanlike genius of the French monarch may at all times have rendered him personally averse to retain a possession which, having been seized in treachery, could only be held at a sacrifice of national honour, and consequently of national interest. He may have effected the evacuation at the earliest moment when a temporary calm in the public mind enabled him to do so; but even if this be the case, the very reflection that such an occupation should have continued for so long a time in obedience to mere popular clamour, is little likely to appease the apprehensions of Austria. Whatever be her confidence in the intentions of the sovereign, she cannot but perceive the weakness of his govern-

ment, and the feeble control he possesses over the inherent impetuosity of his subjects. Preserving, therefore, the external semblance of amity with the Court of the Tuilleries, she keeps herself ever prepared on the occurrence of any emergency, to take military occupation of a part, or possibly the whole, of the Italian peninsula; and hence, as against *France*, and in regard especially to Italy, the real attitude of Austria may be said to be of a jealous, and somewhat of a warlike, character.

We turn now to trace her political course in regard to *Prussia and the German States*. Dreading above all things a resumption of that preponderance over Europe, which France had enjoyed during the reign of Napoleon, Austria has, from the moment of the general peace in 1814, never been blind to the possibility of similar danger from another quarter. At the congress of Vienna, the actual and probably progressive aggrandisement of Russia were not unheeded, and Austria advocated the re-establishment of the kingdom of Poland; for which purpose she would have restored Gallicia, taking elsewhere a territorial reimbursement: but this project was rendered abortive, by the refusal of Russia and Prussia to surrender their portion of the plundered provinces. It became next the object of Austria, as indeed of the other principal powers also, with the exception of France, to consolidate central Europe, as far as possible, into large masses; and, in so doing, to extinguish the smaller principalities, whose existence,

it was asserted, would afford to intrigue the ever ready means of producing dissensions and animosities. With regard to that host of feudal chieftains, whose dominions under the Germanic empire had hardly exceeded the limits of their own immediate estates, the principle had been already acted on, in the former political arrangements made under the influence of Napoleon. With some exceptions, they had been deprived of their sovereign rights; and, under the name of mediatized princes and counts, had become the subjects of those greater sovereigns, in the body of whose dominions their petty territories were enclosed. To apply similar measures, however, to princes of a higher class, was a matter of much difficulty. To say nothing of the vehement remonstrances urged both by princes and subjects, against the arbitrary transfer of smaller territories merely to suit the policy of the greater monarchs, it was soon discovered by those monarchs themselves, to their mutual embarrassment, that they had all of them entered the congress more or less fettered by private engagements. On the retreat of Napoleon from Moscow, it had become the object, first of Russia, and next of the other leading powers, to secure the aid of the several German princes, who until that period had been under the influence of France; but in order to obtain their co-operation, it had been found necessary to enter into certain previous engagements touching the separate interests of each, in the event of the general success. Thus the states of second and

third order made their stipulations with Russia or with Austria, in favour not only of their own immediate objects, but of those also of still smaller princes, with whom they were connected by blood or alliance. England at the same time insisted on the elevation of Hanover, with a suitable territory, to an equality of royal dignity with Wirtemburg and Bavaria, and likewise on the unimpaired territorial power of the Brunswick princes. Russia would allow no portion of Polish land beyond that which had fallen to Austria and Prussia under the former partitions, to be severed from that nominal kingdom of Poland which was to remain in real subjection to herself. Prussia urged as a matter of right, that some large accession of territory should be allotted to her, in order in a slight degree to compensate the acquisitions of power made by her great confederates. The policy of Austria was of a less embarrassing character, although equally directed by views of power and of influence. Having secured her Lombardo-Venetian kingdom, and extended her line of coast on the eastern side of the Adriatic to the frontier of Albania, she claimed in central Europe only those dominions which she had possessed in the year 1792, and even abandoned her claim to the restoration of Belgium, which up to that year had formed a part of her territories. This abandonment effected that consolidation which created the kingdom of the Netherlands: but consolidations in the other parts of Europe were no easy matter, amid the clashing pretensions, obstacles, and embar-

rassments to which I have above alluded. The negotiations went on in many respects uncordially; and were productive, in some quarters, of anger and disappointment. An arrangement however for the states of Germany, widely different from that which at present exists, was in progress, and would probably have been adopted; when the sudden return of Napoleon from Elba put an end at once to the congress and its plans. On the intelligence of that great event being received at Vienna, the immediate renewal of hostilities was anticipated. The anxiety of Russia, Austria and England was directed to the suppression of all discontents which had arisen among the minor sovereigns; and to the removal of every motive which might impel any of them to waver towards French alliance. Concessions on all sides were hastily made; and several sovereign principalities are now seen on the map of Europe, which, but for that event, would have been expunged from it for ever. A remarkable exemplification of the diplomatic dispatch excited by the return of Napoleon, occurred in regard to the kingdom of Saxony. At the time when the principal part of the German sovereigns made their conventions with Russia and Austria, and joined the great alliance of 1813, the Saxon monarch renewed *his* compact with Napoleon, and, as a reward for the continued adherence to the cause of France, would, in the event of her success, have received the sovereignty of Poland. On the one side and the other, independence or political de-

struction were involved in the gain or loss of the mighty stakes in contest. The parties stood upon the hazard of the die, and the Saxon was the losing side. The victorious allies proposed at first to extinguish the kingdom altogether, and to annex the whole of it to Prussia; but difficulties occurred in the details, and great resistance was made both by the king and by his subjects. The congress refused to the king permission to repair to Vienna: but, in order to facilitate the projected arrangements, they assigned to him a temporary residence at Presburg, and appointed three of their body, the Duke of Wellington, the Prince de Metternich, and the Prince de Talleyrand, to hold conferences with him in its behalf: in other words, to declare to him its ultimate pleasure, and to arrange with him the mode of carrying that pleasure into effect. Early in March (1815) the three great diplomatists were at Presburg for this purpose, and an exalted personage, unconnected with the objects of their mission, had accompanied them as a mutual friend. M. de Metternich had his apartments in a separate residence; the other three occupied a portion of a public edifice, M. de Talleyrand having rooms on the one side, the Duke of Wellington on the other, and the personage alluded to being accommodated with a saloon between the two. Early on a certain morning, while it was yet dark, the latter was awakened by the approach of a figure to his bed-side, habited in his night-dress,

and bearing a light in the one hand, a letter in the other. This unexpected visitor was the Duke of Wellington. "Prince," said he, addressing him in French, "you understand English, read this." It was a hurried communication from Vienna, announcing that a courier had just arrived with intelligence of the landing of Napoleon at Cannes. "Now," continued his Grace, "you must do me the favour to get up, and carry this letter to M. de Talleyrand;" and having so said, he returned to his own apartment with all appearance of the most unruffled composure. The prince did as he was requested; and M. de Talleyrand dispatched the important letter to M. de Metternich. It was now between five and six o'clock. About eight the three diplomatists came together. M. de Metternich and M. de Talleyrand had both in the interim received couriers from Vienna, conveying similar communications with that which had first reached the duke; but the Saxon monarch remained ignorant of the important news, and tremblingly anxious for his future fate. His Majesty was suddenly called to conference, and surprised at the conciliatory tone now adopted towards him. A short protocol was prepared and signed, settling the kingdom of Saxony as it now exists; and before eleven o'clock in the same forenoon, the three deputies from the congress had left Presburg on their return to Vienna.

The repose of Europe was once more assured by the victory of Waterloo, but events and indications

had occurred during the hundred days of Napoleon's rule, which caused to Austria considerable disquietude. In the former reign of Napoleon, a splendid but absolute despotism had been the character of his domination; but on the return from Elba, he sought to establish his government on maxims of popular power; and hence a sudden and vehement impulse was given to the democratic principle throughout a considerable part of Europe. The inhabitants of the Rhenish principalities had shown themselves eager to resume their connexion with France, should an opportunity occur for their so doing. The subjects of several of the smaller German states had evinced the utmost eagerness for political rights. The Russian emperor had been obliged to suspend the march of his army towards the Rhine, by the manifestation of an intended revolution in Poland; and it was apprehended with some reason, that if the scale of victory at Waterloo had inclined for France, a large portion of Western Germany would have risen in arms to support her cause. Hence, for mutual defence, and for the joint support of the monarchical principle, the alliance between Austria, Russia, and Prussia, was drawn far more close than would probably have been otherwise the case; but still the cordiality of that alliance was little extended beyond the general objects for which it was created. Austria and Prussia soon became rivals for the political preponderance in Germany itself; and as this rivalship may possibly lead to

results of interest, a few words in explanation of it may not be superfluous.

The Germanic body, as now constituted, consists of thirty-eight sovereign states, large and small, all of whom are represented by deputies at the General Diet. Among the articles of union which were agreed on in 1815, it is specified, that in all the states of the confederation, *a constitutional assembly of the States General* shall be established; and that diversity of Christian faith shall occasion no difference in any of them as to the enjoyment of civil or political rights. It is added, that the diet shall take into its own consideration the means of improving and settling the condition of the Jews; the formation of some uniform rules relative to the freedom of the press; the regulation of commerce and intercourse between the different states of the confederation; and that of maritime commerce on the principles adopted by the congress of Vienna. The vague terms in which these articles are expressed, have admitted abundant latitude in their execution. "Constitutional Assemblies of the States General," for instance, are said, in verbal compliance with the enactment, to have been established in almost every Germanic state, but, as is evident, with the widest differences of composition and of faculty. Those of Austria and of Prussia, under the name of the "Provincial Stände," are wholly directed by the crown: in Bavaria and some other states, they enjoy larger privileges, but are still mainly under its guidance:

while in a few of the principalities, the principle of popular influence has mainly prevailed. The whole of them, however, are subjected, by the act of confederation, to the decrees of the diet in all matters which are deemed by the diet to be of general concernment—such as the regulation of the press, of the universities, of international communications, &c. &c.; and hence have arisen frequent collisions between this great council of the union, and the legislative bodies of its component sovereignties. In the diet itself, conflicting opinions have been urged on different points; and many matters have been left in abeyance, or settled by temporary compromise, with a view to the avoidance of actual dissension. In this state of things, Austria and Prussia, although too sagacious to admit of any discord as to the leading measures whereby the popular ascendancy was to be resisted, have been competitors for the ruling influence over the smaller states of which the diet is composed. Austria, enjoying by the original compact the perpetual presidency, possesses both on that account, and by reason of her extensive dominions, a decided preponderance of power, which Prussia could not by direct means hope to weaken. Hence the latter betook herself to the formation of that great counter-confederation, the Commercial Union; which, with the exception of Austria, Hanover, Brunswick, and the Hanseatic Towns, now comprises every state of Germany. Of it, Prussia is the chief, and the director; and although avowedly established

for merely commercial purposes, it has become, under the able guidance of Prussia, a great political engine. Austria, awakened at length from an ill-timed indifference, endeavours now to form a counter-commercial confederacy which shall be under her own guidance, and by means of which, she may wield the influence of the south against that of the north. This confederacy would comprise the states on and near the Danube, Bavaria, Wirtemburg, and others, which it is supposed that a greater community of special interests, and a system of mutual concessions, might induce to form a combination with Austria, and thus to abandon, or at least to modify, their connexion with Prussia—while Prussia, on her side, seeks fresh accessions of strength in the conciliation and addition of states not yet included in her union, and may probably extend her views to some not strictly belonging to Germany. A shade, but perhaps a shade only, of difference in political feeling accompanies this rivalship of the two monarchies. Prussia is somewhat more inclined to liberal principles than Austria; but, were that inclination even stronger than it is, she could not venture much to indulge it. She dreads the ebullitions of democracy in her Rhenish possessions; and she is aware, that in most of those smaller states which it is her aim to influence, the aristocratical influence is dominant where the monarchical is weak. Thus, the position of Austria towards Germany generally, is one of high, but not undivided influence; and, as towards

Prussia in particular, her relations are those of union as to leading principles of policy, but by no means of cordiality as to particular interests.

We have finally to notice the position of Austria with regard to Russia and Turkey, and in so doing, some considerations on the general policy of Russia, and on that of England as connected therewith, will naturally force themselves on our attention. However closely united have been the two imperial sovereigns in a common alliance for the support of the monarchical principle, Austria has viewed with ill-dissembled anxiety the tendencies of Russia to perpetual aggrandizement; but, neither she nor the western nations can fairly charge upon those tendencies that they have been ever veiled in secrecy and disavowal, or that their successful development has taken Europe by surprise. For more than a century, and especially since the accession of Catharine, the policy of the czars has been directed to territorial extension at the expense of Turkey, aiming openly at the ultimate possession or control of the Bosphorus and the Dardanelles. Owing to the busy conflicts with France, and the repose necessary after the termination of the great struggle, the march of that policy was in the time of Alexander suspended in appearance, but in appearance only; his diplomacy was ever in action, while his arms were at rest. The movement of Nicholas has been more decidedly onward; and in following up, as he is doing, the national policy, he deserves the credit at all events

due to a sovereign, who, neither duped by flatteries nor influenced by prejudices, nor never troubling himself with the concerns of other countries save as they are connected with the welfare of his own, but always alive to improve their errors to his own advantage, looks with a steady singleness of purpose worthy of better means than he has at times employed, to the interests and advantage of that nation whereof he is the ruler. The success of his policy may well cause the alarm of Europe; but it appears unjust to make that success a matter of charge against his person and government, because Europe may not have been sufficiently united or sagacious to arrest its progress.

With a view to understanding the actual position of Austria, it may be requisite to notice the proceedings of Russia in some of their leading points. Persons who have watched the course of events in Greece, are aware of the policy with which Russia fanned the flame of resistance, until she had effected the separation of that limb of the Ottoman empire; as also of the adroitness with which she subsequently kept alive her influence in the new kingdom, and has now probably succeeded in establishing that ascendancy over the councils of Otho, which was for a time eclipsed under the ministry of Count Armansperg. Concomitant with the Grecian conflict was that two years' war, which first brought the Russian armies within eighty miles of Constantinople. The Turks applied to England and to France for aid;

but they applied in vain. They had become exceedingly unpopular in Western Europe, on account of their refusal to recognise the independence of the Greeks; and the cause of the latter was unguardedly viewed as identified with that of their co-religionists of the North. The Russian forces advanced to Adrianople. That they proceeded no farther on their triumphant career, has been ascribed to the smallness of their number; to their feeble and disorganized state; and above all, to the tardy opposition of England, whose admiral was prepared to engage, and of course partially to destroy, the Russian fleet at the Dardanelles, if the army had made any farther advance. On the authority of information derived from various and peculiar sources, and among others from that of officers of foreign powers, then in the Russian camp to witness the proceedings I am led to the conviction that neither of these was the determining motive; but a detail of the considerations which actually led to the pacification and retreat would be foreign to the immediate object before us. Suffice it to say, that the triumph of Russian policy was complete; but, from the period of the Adrianople treaty which was now concluded, that policy assumed a different practical character. It sought to weaken and disorganize the victim, and then, as a friend, to encumber it with help. By intrigues of which it would be difficult to fathom the depth, and wherein it is tolerably certain that Russia was by no means the only mover (probably, indeed, not the principal

one), the Pacha of Egypt was induced to assume an attitude of hostility towards the Porte, and to invade the Syrian provinces. The sultan made a last appeal for the friendly interposition of England and France, but, as before, the appeal was vain. A word from England to Mahomet Ali would have deterred him from proceeding. There may or may not have been adequate reasons, as connected with our then political relations on the side of France and otherwise, why the interference of England should have been refused: but, be those reasons what they might, the Porte could be no party to them; and, thus deserted by the Western powers, she was compelled to throw herself into the arms of Russia. The Pacha of Egypt advanced by rapid marches, and threatened the sultan even in his capital; a Russian force was, at the sultan's urgent desire, transferred across the Black Sea, and encamped as protectors within sight of the seraglio. That word which England refused to utter, was pronounced by Russia. Mahomet Ali was stopped, and Russia acquired the advantages which her policy deserved, and which England and France had thrown upon her. Four more provinces were severed from the Turkish domination. The treaty of Unkiar Skelessi created an intimate union of "offensive and defensive alliance" between the sultan and the czar, which conferred on the latter the power of interfering in all the concerns of the Ottoman government; while the sultan was made to feel, that to the protecting friendship of Nicholas

he was indebted for his crown, and all that remained of his dominions.

Long antecedent to the period just referred to, the views of Russia had been fixed on Moldavia and Wallachia. She was already, in and before the year 1812, possessed in absolute dominion of the eastern provinces of Poland, and the northern coasts of the Euxine as far westward as the Dniester. The pressure of her aggressive policy was, in its natural course therefore, next directed against these important principalities, which, extending from the Dniester to the Danube, filled the whole intermediate space betwixt the Euxine and the Austrian territories. In both Moldavia and Wallachia the property of the soil had remained in the hands of Christians, members chiefly of the Greek church as established in Russia, from the earliest period of the Turkish settlement; and the government had been administered by Christian subjects of the Porte, who, with the title of Hospodars, were deputed from Constantinople for that purpose. The administration of the hospodars was usually corrupt and tyrannical, having for its object the amassing of as much wealth as possible during the limited period of delegated sovereignty; and, as the oppression of these Fanariot Christians from time to time excited resistance, it had become the duty of the Turkish garrisons to suppress disorders, which their own rude and violent method of military pacification not unfrequently tended to aggravate. Such a state of things had been very propitious for the introduc-

tion of Russian influence. As grievances, generally real, sometimes imaginary, were from time to time proclaimed, appeal was made to Russian compassion, which may perhaps have occasionally suggested subjects of complaint, that would not have occurred to the natives themselves. Under Russian mediation constitutions have now been conferred, by which the entire government in each of the principalities is placed in the hands of the Christian natives, under the direction of a hospodar no longer removable at pleasure, but appointed *for life;* and as those high officers owe their appointment to Russian recommendation, their government is regulated by the commanding influence of Russian consuls. Christians may alone possess land within the principalities; and they are, by special convention with the Porte, under the guaranteed protection of Russia. No Turkish forts may be erected, or Turkish pickets stationed, on Wallachian and Moldavian soil: but to the hospodars it is permitted to raise and support native troops at will, for avowed sanatory purposes; and also at their own discretion, or in other words at the recommendation of Russia, to place along their entire line quarantine defences, which the Turks are compelled to respect. The Turks receive from Wallachia a nominal tribute of about £3000 sterling annually, and a still smaller sum from Moldavia. They exercise no command, no power, military or civil; and that nominal allegiance which the principalities profess to Constantinople, will, at any moment Russia

chooses, be transferred to St. Petersburg, without the most minute alteration in the internal administration.

But while Russia has thus obtained the absolute political control of the principalities, she has likewise secured for herself, at their expense, a most important acquisition of actual territory. Up to the year 1812, the Dniester was the boundary of the Russian dominions on the Black Sea; and Bessarabia, which comprises the line of coast from that river southward to the Danube, was a constituent part of Moldavia. All the mouths of the Danube thus belonged to the sultan, as did both the banks of the river upwards, for the last several hundred miles of its course; Moldavia and Wallachia, forming the northern bank as far as the Austrian confines of Hungary, while Bulgaria, Servia, and Bosnia, extended upwards along the southern bank, till they also reached the Austrian provinces of Croatia and Dalmatia. By the treaty of 1812, Bessarabia, detached from Moldavia, was conceded to Russia in actual sovereignty, the Pruth being made the new boundary between the two empires. This was an important political acquisition; since by it Russia became possessed of the entire coast of the Euxine as far down as the northernmost branch of the Delta of the Danube; her territory extending upwards along that branch for about sixty miles, to the point where it is entered by the Pruth.

It may be here desirable briefly to explain the geographical peculiarities connected with the mouths of the Danube. The Delta is formed by three prin-

cipal branches, diverging from each other at a point about fifty miles inland from the present coast of the Euxine, but often connected together by subsidiary channels passing from one to the other, and thus constituting a very large extent of low marshy islands covered with high grass and weeds. The northernmost of these, the *Kilia* branch, which became the Russian boundary by the treaty of 1812, has at its mouth only six feet of water, besides being otherwise much impeded by sands, and consequently cannot be entered by vessels larger than mere lighters. The other two, the *Suline* branch and the *Georgevskoi* branch, were both navigable by small merchantmen, and they remained to Turkey.

Thus far, therefore, Russia had no control whatever over either of the navigable entrances. Her Kilia branch was even almost useless to herself; since vessels drawing more than five feet water could only reach her establishments upon it, by ascending one of the other two channels, and re-descending the Kilia from the point of its divergence. The treaty of Adrianople, in 1829, conferred on her policy another triumph. By it, all the islands of the Delta were added to her territory. The southernmost branch, the Georgevskoi, was rendered the boundary between the empires; and although the Turks remained in possession of *its* southern bank, this became useless to them from the circumstance, whether accidental or intentional, of its channel being, about the period of the treaty, rendered unnavigable by large

masses of artificial obstruction plunged into it, which in all probability it will never be found practicable to remove.

The *Suline* branch is therefore the only one which can now be navigated, and both sides of that branch are Russian territory. It is true that one of the articles of the Adrianople treaty contains a stipulation, that on no one of the islands, nor on the Turkish bank of the Georgevskoi within a distance of two hours (five English miles) from the river, shall any fort be erected save for the purpose of quarantine; but even of this stipulation, the advantage was calculated to result alone to Russia. That Turkey should form sanatory establishments was of course not to be expected; but Russia has on her part availed herself of the privilege, by establishing on the *south* side of the Suline a quarantine post, which she has since converted into a small fort by throwing about it military defences. Close in front of it was moored, when I passed it, a small armed vessel of war; while along the north bank of the Suline, up to the confluence of the Pruth, is stationed a line, not indeed of forts, but of military guard-houses with Russian pickets at short distances from each other, which are competent wholly to control the navigation. The entrance of the Danube, therefore, is now absolutely in the territory of Russia, whose influence further extends along the northern bank to the confines of Hungary. At one period an inclination was evinced, to claim the right of levying tolls on foreign

vessels entering and departing; but, on resistance being made to this unauthorized assumption, the government disclaimed the intention to enforce it, and ascribed to error on the part of its subordinates the attempt which had been made. Russia now exercises no further authority, than that of requiring all vessels entering from the Black Sea to bring-to before her quarantine post, and to submit to her registration the statements of their nationality, cargoes, and equipage. Austria, supported by the Western states, has insisted on the principle laid down at the peace of 1814, that the free access of all rivers to the sea should not be obstructed by any powers settled on their banks; and this principle will be enforced so long as the relations of amity may continue. But it is obvious, that in the opposite contingency, Russia has created for herself the means of commanding the entrance, whensoever she may assume a hostile attitude.

We have seen the successful aggressions of Russia on the northern side of the Danube, and the islands of its Delta; let us now observe her progress also on the southern bank. The Turkish provinces there extending upwards from the Black Sea, opposite to Wallachia and the greater part of Hungary, are Bulgaria and Servia; the population of both of which, especially the latter, is principally Christian. Servia, although the more inland of the two, is by far the more important in point of population, civilization, and general resources; and in it a Russian

policy similar to that so effectually developed in Moldavia and Wallachia has for many years been in operation. As grievances, partly arising from barbarous misrule, partly from the suggestions of foreign instigation, have excited internal troubles and disorders, the mediating friendship of Russia has urged on the Porte the expediency of granting more free institutions to the oppressed Christian population. Under her influence, the Prince Milosch, a man utterly devoid of education, but of great natural powers—a man taken under Russian protection when he had betrayed the confidence of his own sovereign—has been appointed to be the civil governor of the province. The prince naturally receives his impulses from that power to which he owes his station, and which can alone support him in it. The people as naturally follow the same direction; but in the mean time, as Milosch is merely the civil governor, and the military command of Servia yet rests in the Turkish Pacha of Belgrade, the country has not been permitted to lapse into quietude. Plans of constitutions are proposed on one side, and opposed on another. They are partially approved at Constantinople; then difficulties are raised at St. Petersburg, and new references are made to Servia. Objections by Milosch ensue; and these are followed by further references to one or other or both of the capitals. Thus irritation is kept alive; *soi-disant* liberal and anti-liberal parties are formed among the ignorant and semi-barbarous population; and this course will go on, until riots and revolts compel the

Turkish garrisons to employ force in the restoration of order. The cruelties of the infidels will be then proclaimed and exaggerated;—the mediating remonstrances of Russia will compel the removal of the Turkish troops;—a nominal supremacy and a petty tribute will be guaranteed for a few years to the Porte;—and a new and most important province will be added to the rule of the Russian consuls.

The people of Bulgaria are less civilized than those of Servia; but there also the same system is in progress. Popular disorders have more than once occurred, similar in character to those which originated the existing order of things in Servia. They have been suppressed; they will again break out and be suppressed again; but the course of events will proceed; and Bulgaria, added to Servia, will give to Russia the whole range of Northern Turkey to the frontiers of Bosnia. This line of policy will be attended with no hostile aggression on the part of Russia; no cause or pretext of war in any quarter; but internal disorders will exist in the provinces, and gradually produce their natural effect. In due time, the throne of the Sultan will be endangered in his capital. In all internal and foreign difficulties, Russia will be invoked as a friend; her powerful aid will be called in to suppress evils, which it may not be impossible that on some occasions she may have herself created; and when she ultimately seizes the Dardanelles, it will be in the name, at the request, and for the preservation, of the Sultan.

As the result of these gradual invasions, Austria perceives at this moment that one great mass of her territory, comprising Hungary, Transylvania, and Gallicia, is actually enclosed on three sides by provinces which receive the law of their conduct from the cabinet of St. Petersburg. Neither can she view this close approximation of so powerful a neighbour —in itself sufficiently alarming—without some apprehension as to a peculiar point of internal weakness connected therewith, existing in her own dominions. In Hungary, in Transylvania, and in Gallicia, the general feeling is no doubt strongly opposed to Russia; and, far from aiding the views of that ambitious power, it would be exerted to the uttermost in support of any attempt to reduce the extent of her domination, especially on the side of Poland; but it cannot be forgotten that in all those states and their appendages, more particularly in Southern Hungary, Sclavonia, and Croatia, a considerable portion of the population professes that form of faith, the oriental Greek, which constitutes the established religion of Russia. Hence arises a species of sympathy which has been greatly serviceable to Russian policy in other quarters, and which must be a source of increasing disquietude as the two empires come more closely in contact. Even at the present moment, the able diplomacy of Russia is said not to be blind to this important element of future power. Under the Austrian sceptre, the Greek hierarchy and their flocks enjoy indeed a full equality of civil rights, and to a

certain extent peculiar privileges and endowments: but still the church of Rome is the great and opulent establishment of the state. This they perceive with no friendly feeling: while, on the other hand, they do not forget, and in some parts it is believed that they are *not allowed to forget*, that wheresoever the power of the Czar extends, there the Greek is the favoured, if not the dominant religion.

It cannot be doubted that Austria must have perceived with painful anxiety these gradual approaches of her mighty neighbour; and that she would long since have sought to arrest their progress, had her position in Europe enabled her to do so. But Austria could not act alone; and little could she expect a frank co-operation from the western powers. The cordial aid of England she could hardly anticipate, while she perceived her conduct and her principles systematically assailed by the reproaches and invectives, not of individuals only, but even of senators and statesmen; and this, too, accompanied or followed by an arrangement of foreign policy, the avowed object of which was, on the basis of differences in the theory of internal government, to array the western against the eastern states of Europe. Whatever may have been in other respects the merits or demerits of the policy thus pursued by England, one result could not fail to attend it: it cut off from Austria, at the most critical period, the means and the hope of forming with her, for their common interests an intimate and confidential alliance.

On the side of France the alienation from Austria has been still greater. The competition for the command of Italy would have alone sufficed to have prevented any cordiality of union: but, besides, France has been known to pursue her objects by means less scrupulous and justifiable than we may hope would be always adopted in England; and one of those means has ever been the excitement of internal commotions in other countries. In regard to the Italian provinces of Austria, that restless desire of creating discontents which prevails among the people of France has been not unfrequently held up by their government as a menace *in terrorem* over Austria, and has had its necessary effect. Austria, dreading the encroachments of Russia, has dreaded still more strongly the disturbing forces of the western powers; and that involuntary bond of concord which has been termed the union of the despotic principle has been of late years little more than the instinct of self-preservation. It would have been the height of temerity in Austria to have incurred the hostility of Russia, with all its train of probable consequences,—increased financial exigencies—augmented armies—invasion of her Hungarian frontier,—with other points to which I will not now allude; while her Lombard provinces would be threatened by the arms or the intrigues of France, and while England might see their invasion or their disorganization, possibly with pleasure, at all events with indifference.

Pressed by these considerations, it has been the

endeavour of Austria to sustain, as far as she could, the integrity of the Ottoman empire, without endangering the friendship of Russia. Had she been inclined to increase her own dominions at the expense of Turkey, she has had ample pretext for doing so, since not a year passes without her frontier towards Bosnia being invaded by the half-civilised subjects of the Porte; and whenever her complaints have been urged at Constantinople, the reply has mainly consisted in expressions of regret that the Sultan has not the power to control the ferocious borderers, and the desire that Austria would take their punishment into her own hands. Yet Austria has contented herself with the castigation of the immediate assailants, without ever extending the limits of her own territory. She was no party to the disorganization of the Grecian provinces, or to the establishment of that feeble kingdom, in the creation of which she may have only viewed an additional lever for the power of Russia. By appointing a consul in Servia, and by the exertion of all the influence she can muster, both at Constantinople and at Athens, she seeks to compete with Russian predominance;* and where she has been cen-

* The fatal delusion which has prevailed as to the nature of the alliance between Austria and Russia has led to the unfortunate policy which England has pursued in Greece. We have set ourselves in vehement opposition to what was termed the Austrian influence—an influence with which our own should have combined, as it was really and substantially, although not avowedly or ostentatiously, opposed to the progress of Russia. The able

sured for a weak or a culpable connivance in allowing the establishment of the Czar on both banks of the Danube, it will have been seen that she has yielded to the compulsion of circumstances which she could not control. It may be hoped that England is at length awakening to a sense of her real interests, and that, before it be too late, her altered policy may regain the confidence of Austria. Should this unhappily not be the case, and should Austria still be pressed by circumstances which she cannot command, Russia will continue to advance—she will in due time seize the Dardanelles—and Austria, unsupported, will be unable to resist her progress. Compelled to sustain her apparent friendship with Russia, she will observe an anxious and painful neutrality. She will preserve a nominal freedom for the mouths of the Danube, while Russia acquires the dominant influence over Bulgaria and Servia, and renders Turkey her vassal. At length the Sultan will be compelled to relinquish even a nominal sovereignty over his European dominions; and Austria, by an involuntary concert with Russia, will be forced to accept some portion of the spoils—probably Bosnia and Albania—for the permission to Russia to seize the rest. England and

diplomacy of the Czar remained in apparent inactivity but in reality fanning the flame of discord, while that of Austria and of England competed for the predominant influence over the mind and government of Otho; until, after both were exhausted in the conflict, Russia took possession of the field, and has established an ascendancy which it will be very difficult to shake.

France will remonstrate and demonstrate—but the evil will be done. The Dardanelles will have been secured. The kingdom of Greece may probably disappear from the list of separate states; and, either by direct incorporation with Russia, or by the reconstruction of a nominally distinct Byzantine empire under her control, European Turkey, with the nearer Asiatic provinces, pass ere long to the domination of the Russian sceptre.

Our notices of Austria are now concluded; but, having, with reference thereto, had occasion to trace the progress of Russian aggrandizement in Eastern Europe, it may not be inapposite to subjoin a few observations on our immediate British interests as menaced thereby, and on the policy by which its further progress may be arrested.

It has been sometimes inquired whether the interests of England be in reality likely to experience any material injury from the invasions of Russia on the power of Turkey. It has been asserted that the immensity of our inland consumption renders us mainly independent of external demand; and that, with our rapid increase of population, that consumption will, under wise government, be proportionably augmented. Let it be remembered, however, that

the annual value of our exports is now nearly fifty millions sterling; that of one article, cotton, alone, upwards of three hundred millions of pounds weight are every year moulded by our machinery into manufactured commodities, whereof a full moiety is sent across the ocean in search of consumers; and that, in every other branch of industry also, the accumulated powers of mechanism, capital, and intelligence are combined, to augment the vastness of our production. Let these circumstances be borne in mind, and it will be seen how largely we depend on external markets, and consequently on foreign and colonial commerce. We are in fact pressed by the necessity, not only of permitting no diminution of our actual consumers, but even of continually increasing their numbers in order to keep pace with our own accumulating energies of supply; and this necessity is the more strongly enforced on our attention, when we perceive rivals arising around us, and seeking to engross even those markets which were formerly our own. If we look to Germany, we see nearly the whole of it comprised under the control of Prussia, in a system essentially anti-English. If we extend our view further, to that great power whose policy we have been more immediately contemplating, we perceive that wheresoever Russia has gained on other nations, there she has established an ascendancy for herself, both commercial and political. With a view to the protection of native industry, she excluded British manufactures from Poland, as well as from her more

ancient territories; and even to Prussia, her close ally, she refuses a renewal of the conventions under which Prussian manufactures have been admitted in past years on a favoured footing into Russian Asia. As she presses upon Turkey, the same principle guides her policy, and is only modified in action by the imperfectness of her power. Under the treaty of Adrianople, she has secured to herself commercial privileges over the whole of Turkey, unpossessed by any other nation; and her recent proceedings at the mouth of the Danube and along the shores of Circassia evince her inclination to bend even dubious and constructive rights to her own exclusive advantage. These circumstances afford sufficient grounds for very serious reflection, even in their immediate effect of circumscribing the number of markets which we have formerly supplied. They acquire a still higher importance, when viewed in their political bearing, as the evidences of power already obtained, and the means of its future augmentation. Foreign and colonial commerce—that, at any rate, of a nation marked out like our own for the rivalship of the world—can be supported only by a preponderance of political power: colonies, such as those of England, must be retained by a naval superiority which defies competition: and, with regard to the trade between independent nations, experience shows that it is far less regulated by the asserted reciprocity of mere demand and supply, than by those political considerations which take a more complicated, though possi-

bly not a juster view, of international interests. Where great nations, moreover, struggle for ascendancy, it is not on the mere arena of the conflict that its results are experienced. The state of the new world is immediately connected with the events of the old; and any considerable change in the relative power, however local, of two important European nations, would greatly affect their relative interests and influence in every quarter of the globe. Already has the silent march of Russian policy secured a triumphant supremacy at the court of Teheran, and brought her influence into immediate and most dangerous contact with our Asiatic possessions. Already is she exclusively predominant in the northern provinces of European Turkey; and the time may be not far distant when she shall be called on, as the protecting friend of the Porte, and at its especial request, to station a military force on the Bosphorus, and to garrison the castles of the Dardanelles. Her fleet of thirty sail-of-the-line may then descend at pleasure to the Mediterranean, while the voice of her imperial command is re-echoed across the Asiatic continent from the Hellespont to the Indus.

Although these new aggressions, like those which have preceded them, might be made under the garb of friendship and the plea of necessity, yet it may be predicted that England would hardly remain a passive spectator while they were in progress; still less that she would allow it to be proclaimed to distant lands, that, in those seas which

have been the scene of her glory and her power, the standard of St. George has bowed before the eagle of the Czar. But if such may be anticipated as the high determination of England, it becomes the more expedient that she provide, before it be too late, such alliances as may most effectively assist her views. Without any wish to disparage the value of a cordial union with France, it may be fairly doubted whether, in circumstances so difficult, such an union is in itself practicable between two great nations whose most important interests, however at times combined for some temporary purpose, are in themselves materially opposed. Amid the complications of the eastern entanglements are comprised the question of Egyptian independence, with all its train of consequences—the new relations of France arising out of her colonization of Algiers—and her evident tendency to extend her African possessions, at the expense of the states to the east and to the west. As the disorganization of Turkey advances, either of these points, to say nothing of others to which I am unwilling now to allude, might too probably sever her apparent cordiality with England; while the progress of Russia would not improbably give rise to new combinations utterly opposite to those which now exist. That such might not be the case, that England might even in that event have the benefit of French co-operation, must be the desire of every British statesman; but this desire will not render him blind to the opposite contingency, or paralyze his efforts to provide against its results.

Very different is the position of Ausfria: her interests are, on this great question, the same as our own, and no commercial or colonial rivalship tends to impede their full operation. Among political errors, none has been greater than the idea that Turkey could be secured, or Russia be arrested in her progress, by the development of merely naval resources. It is by the concurrent aid of military means, or of diplomacy resting on military means, that these great objects can be alone attained, if indeed we may yet venture to look for their attainment; and Austria is the only power who, from her mighty military organization and her central locality, might, if supported by the western nations, be still successful in the lists. Should it be possible to bring her powerful means into full co-operation with those of England, and, as we may hope, with those of France also, it may not be even yet too late to regain the forfeited confidence of the Turkish sovereign, and to sustain the independence of the Ottoman empire.

POSTSCRIPT.

WHILE these sheets have been in progress through the press, the march of events has been rapidly onwards.

In Servia, another act has been performed of the drama which is to conclude in the entire subjugation of that important principality to Russia. When Prince Milosch was placed at the head of the civil government, it was settled that his two sons should be sent for their education to Petersburg. This education, with its attendant train of opinions and attachments, having been completed as to the eldest son, and in progress as to the second, the father has been displaced, and the younger prince (in consequence of the sudden decease of his elder brother) nominated to succeed him, with a council of regency during his minority. The immediate circumstances which have in appearance led to the change are in themselves immaterial. Whatsoever they may have been, they tend to popular dissension, political disorganization, and an increased expediency for Russian interference: and if (as has, I know not on what authority, been suggested) an anti-Russian influence takes to itself credit for the movement, this would only form an additional instance to the many which have come under my notice, of that admirable adroitness with which Russia renders her opponents the unconscious instruments of her own designs.

Further towards the East, the outbreak of hostilities between the sultan and the viceroy, in defiance

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of the *asserted* determination of all the European states to prevent them,—the untimely decease of Mahmoud at the precise period when those hostilities commenced,—and the decisive victory since obtained by the Egyptian over the Ottoman forces—all give reason to apprehend the approach of that period when the interests of nations now in nominal alliance may stand in opposition to each other; and when, unless a great change take place in the relations and practice of European diplomacy at Constantinople, Russia will take her permanent station on the shores of the Hellespont. Whether or not the further progress of hostile conflict be suspended for a time—whether or not the semblance of a mutual compact be arranged between the leading European powers—still, crippled resources and financial penury, popular agitation without, and courtly intrigue within, will combine to subvert what little of stability yet remains to the Ottoman throne; and circumstances, over which neither he nor his native advisers have any control, will too probably render the youthful sovereign dependent, even for his personal safety, on the protection of the Czar.

Aware of the embarrassments to which, in various ways, these occurrences may lead, the Austrian government appear to be pursuing a wise and judicious course. They have republished in all the provinces those laws which establish universal toleration, and prohibit proselytising practices and controversial preachings; especially commanding their rigorous enforcement, against the Romish as against the

non-Romish clergy. In Hungary, with a respect for constitutional law, of which the last century affords few examples, they have assembled the diet at the exact period enjoined by the statutes; and have confined the "Royal Propositions" to objects on which no opposition can be fairly expected. They are augmenting the military force in the vicinity of those provinces which, although nominally Turkish, are essentially Russian; and generally throughout the empire they are taking the most vigorous measures to supply whatsoever may be defective in the numerical or material efficiency of the army.

On the subject of Turkey, it is not easy to foresee the precise line of policy which the force of circumstances may compel Austria to adopt. There can be no doubt of her *desire* to sustain what yet remains of Ottoman independence; or of the eagerness with which, had the relations between the two countries enabled her to do so, she would have combined her strongest efforts with those of England, in an honest concert to avert that consummation which appears to be approaching. Whether there be enough of mutual confidence and of political sagacity to admit of such a concert being won effected—whether, if effected, it would be now successful—or whether Austria may be driven by the dubious policy of the Western powers to adopt that other alternative to which in the last chapter allusion has been made;—these are momentous questions on which I abstain from offering an opinion.

THE END.

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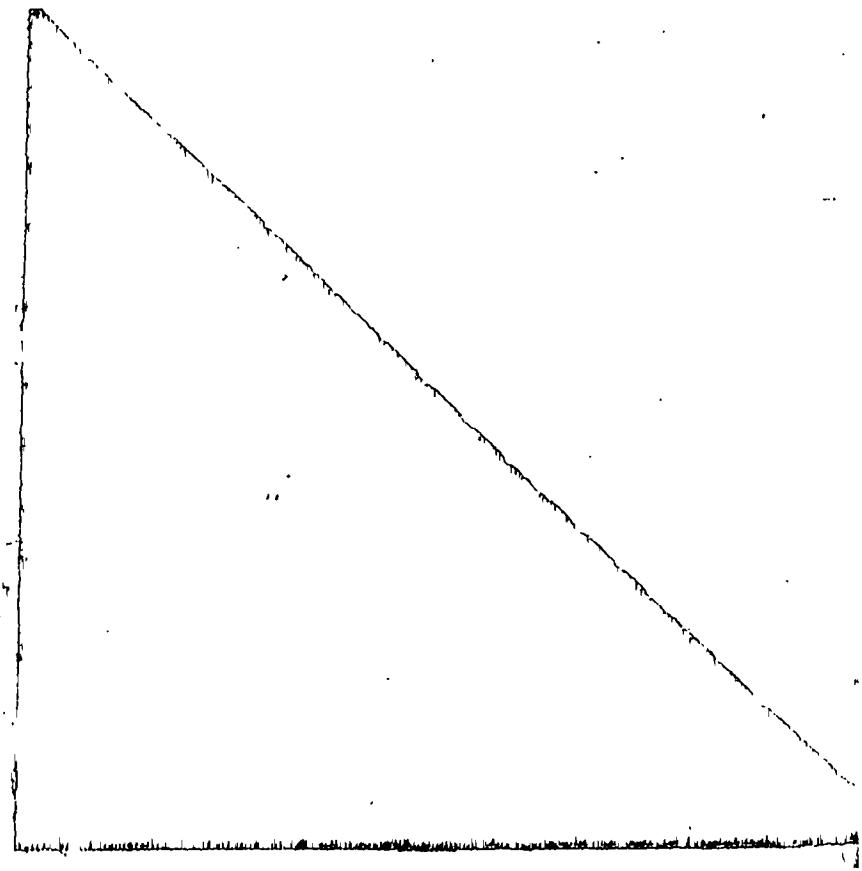

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